

FEDERAL REGISTER

VOLUME 16

NUMBER 83

Washington, Saturday, April 28, 1951

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10237

MAKING THE PROVISIONS OF THE ACT OF AUGUST 26, 1950, PUBLIC LAW 733, 81ST CONGRESS, APPLICABLE TO THE PANAMA CANAL AND THE PANAMA RAILROAD COMPANY

By virtue of the authority vested in me by section 3 of the act of August 26, 1950, entitled "An Act To protect the national security of the United States by permitting the summary suspension of employment of civilian officers and employees of various departments and agencies of the Government, and for other purposes" (Public Law 733, 81st Congress), and deeming such action necessary in the best interests of national security, it is hereby ordered that the provisions of the said act shall apply to The Panama Canal and to the Panama Railroad Company: *Provided, however*, That this order shall not be construed as modifying the authority conferred upon the Secretary of the Army by paragraph 1 (h) of Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950.

HARRY S. TRUMAN

THE WHITE HOUSE,

April 26, 1951.

[F. R. Doc. 51-4988; Filed, Apr. 26, 1951; 3:29 p. m.]

EXECUTIVE ORDER 10238

MAKING CERTAIN CHANGES IN THE CUSTOMS FIELD ORGANIZATION

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), and in the interest of the internal management of the Government, it is ordered that the following changes be, and they are hereby, made in the customs field organization:

1. The designation of Provincetown, Massachusetts, as a customs port of entry in Customs Collection District Number 4 (Massachusetts), is revoked.

2. The designation of Lewes, Delaware, as a customs port of entry in Customs Collection District Number 11 (Philadelphia), is revoked.

3. The limits of the customs port of entry of New London, Connecticut, in Customs Collection District Number 6 (Connecticut), are extended to include the territory embracing the municipality of Groton, Connecticut.

4. Pelican, Alaska, is designated as a customs port of entry in Customs Collection District Number 31 (Alaska).

This order shall become effective May 1, 1951.

HARRY S. TRUMAN

THE WHITE HOUSE,

April 27, 1951.

[F. R. Doc. 51-5033; Filed, April 27, 1951; 11:08 a. m.]

EXECUTIVE ORDER 10239

EXEMPTION OF HOWELL CONE FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS, in my judgment, the public interest requires that Howell Cone, Collector of Customs for Customs Collection District No. 17, with headquarters at Savannah, Georgia, be exempted from compulsory retirement for age as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), it is ordered, effective as of December 1, 1948, that the said Howell Cone be, and he is hereby, exempted from compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, for an indefinite period of time not extending beyond the appointment and qualification of his successor.

HARRY S. TRUMAN

THE WHITE HOUSE,

April 27, 1951.

[F. R. Doc. 51-5034; Filed, Apr. 27, 1951; 11:08 a. m.]

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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Washington 25, D. C.

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[Amdt. 1]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—FRESH APPLE EXPORT PROGRAM
(FISCAL YEAR 1951)

Section 517.204 *Eligibility for payment* is hereby amended by deleting paragraphs (a) and (c) and inserting in lieu thereof the following:

§ 517.204 *Eligibility for payment—(a) Dates of sale and of export.* No payment hereunder will be made in connection with any sale for export unless the date of sale (see § 517.211 (d)) is on or after the effective date of this offer, and the apples are sold or exported on or after

the date of such sale and prior to the date specified in paragraph (h) of this section, except that a sale made prior to the effective date of this offer and expressly made contingent upon the Secretary's issuing this or a similar offer will be deemed to be a sale made after such effective date if after such effective date the parties to such contract make the sale binding unconditionally by confirmation or otherwise and if no exportations were made pursuant to such sale prior to such effective date. A sale made subject to the condition that the representative of the Secretary will approve the declaration of sale and intent to export (paragraph (c) of this section) will be deemed a sale pursuant to this program, and since available funds are limited exporters may find it advisable to make their sales subject to this condition. The apples shall be deemed to have been exported when loaded on board an ocean carrier: *Provided*, Such apples have not thereafter been un-

loaded from such vessel in any port of the United States. The date of export of any lot shall be considered to be the date of loading on board the ocean-going vessel on which movement of such lot from the United States is effected. The date of the on-board ocean bill of lading (or loading tally sheet, see § 517.205 (a) (3)) shall be considered to be the date the apples were loaded on board, unless an "on-board" date is shown.

(c) *Declaration of sale and intent to export.* No payment will be made hereunder, unless the exporter executes and mails or directly delivers Form FV-427 (8/30/50). "Declaration of Sale and Intent to Export Fresh Apples under Program RMX 96a," to the designated representative of the Secretary, as indicated in § 517.201 (b), nearest the principal office of the exporter, and unless such Declaration is approved by the representative of the Secretary. Form FV-427 (8/30/50), must be prepared separately

for each export sale and shall be mailed or delivered not later than the end of the second business day (excluding Saturdays, Sundays, and legal holidays) following the date of sale, but in no event later than the date of export. No payment will be made if such form is mailed or delivered after the time hereinbefore specified, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will approve Declarations covering sales which meet the requirements of this program, as long as funds which have been allocated to this program are available, in the order in which the Declarations are received or on such other basis as he may determine to be equitable, will give written notice of approval or disapproval to the exporter, and will notify the exporter as promptly as possible after receipt of any executed Form FV-427 (8/30/50) if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the notice of approval of Form FV-427 (8/30/50), unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves such greater amount.

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., May 4, 1951.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. 612c, 22 U. S. C. Sup. 1510)

Dated this 25th day of April 1951.

[SEAL] S. R. SMITH,
Authorized Representative of the
Secretary of Agriculture.

[F. R. Doc. 51-4903; Filed, Apr. 27, 1951;
8:50 a. m.]

[Amdt. 1]

PART 517—FRUITS AND BERRIES, FRESH
SUBPART—FRESH PEAR EXPORT PROGRAM
(FISCAL YEAR 1951)

Section 517.234 *Eligibility for payment* is hereby amended by deleting paragraphs (a) and (c) and inserting in lieu thereof the following:

§ 517.234 *Eligibility for payment—*
(a) *Dates of sale and of export.* No payment hereunder will be made in connection with any sale for export unless the date of sale (see § 517.241 (d)) is on or after the effective date of this offer, and the pears are sold or exported on or after the date of such sale and prior to the date specified in paragraph (j) of this section, except that a sale made prior to the effective date of this offer and expressly made contingent upon the Secretary's issuing this or a similar offer will be deemed to be a sale made after such effective date if after such effective date the parties to such contract make the sale binding unconditionally by confirmation or otherwise and if no exportations were made pursuant to such sale prior to such effective date. A sale made subject to the condition that the representative of the Sec-

retary will approve the declaration of sale and intent to export (paragraph (c) of this section) will be deemed a sale pursuant to this program, and since available funds are limited exporters may find it advisable to make their sales subject to this condition. The pears shall be deemed to have been exported when loaded on board an ocean carrier: *Provided*, Such pears have not thereafter been unloaded from such vessel in any port of the United States. The date of export of any lot shall be considered to be the date of loading on board the ocean-going vessel on which movement of such lot from the United States is effected. The date of the on-board ocean bill of lading (or loading tally sheet, see § 517.235 (a) (3)) shall be considered to be the date the pears were loaded on board, unless an "on-board" date is shown.

(c) *Declaration of sale and intent to export.* No payment will be made hereunder, unless the exporter executes and mails or directly delivers Form FV-428 (8-30-50). "Declaration of Sale and Intent to Export Fresh Pears under Program RMX 96a," to the designated representative of the Secretary, as indicated in § 517.231 (b) hereof, nearest the principal office of the exporter, and unless such Declaration is approved by the representative of the Secretary. Form FV-428 (8-30-50) must be prepared separately for each export sale and shall be mailed or delivered not later than the end of the second business day (excluding Saturdays, Sundays, and legal holidays) following the date of sale, but in no event later than the date of export. No payment will be made if such form is mailed or delivered after the time hereinbefore specified, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will approve Declarations covering sales which meet the requirements of this program, as long as funds which have been allocated to this program are available, in the order in which the Declarations are received or on such other basis as he may determine to be equitable, will give written notice of approval or disapproval to the exporter, and will notify the exporter as promptly as possible after receipt of any executed Form FV-428 (8-30-50), if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the notice of approval of Form FV-428 (8-30-50), unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves such greater amount.

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., May 4, 1951.

(Sec. 32, 49 Stat. 774, as amended sec. 112, 62 Stat. 146; 7 U. S. C. 612c, 22 U. S. C. Sup. 1510)

Dated this 25th day of April 1951.

[SEAL] S. R. SMITH,
Authorized Representative of the
Secretary of Agriculture.

[F. R. Doc. 51-4904; Filed, Apr. 27, 1951;
8:50 a. m.]

[Amdt. 1]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART—CITRUS FRUIT EXPORT PROGRAM
RMX 135a

Section 518.274 *Eligibility for Payment* is hereby amended by deleting paragraphs (a) and (b) and inserting in lieu thereof the following:

§ 518.274 *Eligibility for payment—*
(a) *Dates of sale and of export.* No payment hereunder will be made in connection with any sale for export unless the date of sale (see § 518.281 (d)) is on or after the effective date of this offer, and the products are exported on or after the date of such sale and prior to the date specified in paragraph (g) of this section, except that a sale made prior to the effective date of this offer and expressly made contingent upon the Secretary's issuing this or a similar offer will be deemed to be a sale made after such effective date if after such effective date the parties to such contract make the sale binding unconditionally by confirmation or otherwise and if no exportations were made pursuant to such sale prior to such effective date. A sale made subject to the condition that the representative of the Secretary will approve the declaration of sale and intent to export (paragraph (b) of this section) will be deemed a sale pursuant to this program, and since available funds are limited exporters may find it advisable to make their sales subject to this condition. The products shall be deemed to have been exported when loaded on board an ocean carrier: *Provided*, Such products have not thereafter been unloaded from such vessel in any port of the United States. The date of the on-board ocean bill of lading (or loading tally sheet, see § 518.275 (a) (3)) shall be considered to be the date the products were loaded on board, unless an "on-board" date is shown.

(b) *Declaration of sale and intent to export.* No payment will be made hereunder, unless the exporter executes and mails or directly delivers Form FV-451, "Declaration of Sale and Intent to Export Citrus Products Under Program RMX 135a," to the designated representative of the Secretary, as indicated in § 518.271 (c), nearest the principal office of the exporter, and unless such Declaration is approved by the representative of the Secretary. Form FV-451 must be prepared separately for each export sale and shall be mailed or delivered not later than the end of the second business day (excluding Saturdays, Sundays, and legal holidays) following the date of sale, but in no event later than the date of export. No payment will be made if such form is mailed or delivered after the time hereinbefore specified, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, waives such delay. The Secretary will approve Declarations covering sales which meet the requirements of this program, as long as funds which have been allocated to this program are available, in the order in which the Declarations are received or on such other basis as he may determine to be equitable; will give

written notice of approval or disapproval to the exporter; and will notify the exporter as promptly as possible after receipt of any executed Form FV-451 if any information shown in such form does not conform with the terms and conditions of this offer. No payment will be made in excess of the sum indicated in the notice of approval of Form FV-451, unless the Secretary, upon the written request by the exporter stating substantial reasons therefor, approves such greater amount.

Effective date. This amendment shall become effective at 12:01 a. m., e. s. t., May 1, 1951.

(Sec. 32, 49 Stat. 774, as amended, sec. 112, 62 Stat. 146; 7 U. S. C. and Sup., 612c, 22 U. S. C. Sup. 1510)

Dated this 25th day of April 1951.

[SEAL] S. R. SMITH,
Authorized Representative of the
Secretary of Agriculture.

[F. R. Doc. 51-4902; Filed, Apr. 27, 1951;
8:50 a. m.]

Subchapter C—Loans, Purchases, and Other Operations

[1950 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1 Hay and Pasture Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1950 PRICE SUPPORT PROGRAMS FOR GRAIN AND RELATED COMMODITIES

1. 1950-Crop Hay and Pasture Seed Price Support Program (15 F. R. 4613) is amended by changing the statement which now reads as follows: "§ 601.230 *Schedule of basic specifications and rates.* The rates at which purchases will be made from producers and the loan and settlement rates shall be computed in accordance with the specifications and rates shown in the following schedule" to read:

§ 601.230 *Schedule of basic specifications and rates.* The rates at which purchases will be made from producers and the loan and settlement rates shall be computed in accordance with the specifications and rates shown in the following schedule, except, where seed is delivered to CCC in approved used bags, a bag discount at the rate of 25 cents per hundred pounds capacity shall be applicable:

2. The 1950-Crop Hay and Pasture Seed Price Support Program (15 F. R. 4613) is also amended by changing paragraph (c) of § 601.231 *Delivery of seed to CCC*, to read as follows:

(c) Seed delivered to CCC under a loan or producer's purchase agreement must be packaged in even weight, net capacity, new bags of approved quality as described below or if new bags are not available, No. 1 used bags as heavy as, or heavier than, those described below, thoroughly cleaned before being filled, free of holes, patches, or other defects may be used:

Alfalfa, alsike, ladino (certified), red, sweet, Hubam sweet, and white clover,

common or Tenn. 76, and sericea lespedeza, orchard grass, timothy and sand lovegrass:

Type	Net capacity (pounds)
(1) Osnaburg which can be probed:	
(i) 36-inch 2.35 yard or heavier	60, 100, or 120
(ii) 40-inch 2.11 yard or heavier	60, 100, or 120
(2) Seamless cotton:	
(i) 13-ounce (20 x 42-inch)	120
(ii) 16-ounce (20 x 45-inch)	150

Tall meadow fescue (certified), smooth brome, Sudan, and crested, slender, intermediate, and western wheatgrass, common or Tenn. 76, and sericea lespedeza:

Type	Net capacity (pounds)
(1) Osnaburg which can be probed:	
(i) 36-inch 2.35 yard or heavier	100
(ii) 40-inch 2.11 yard or heavier	100
(2) Burlap or jute: 10-ounces or heavier	100

Big little, and sand bluestem, blue and side-oats grama and natural component mixtures thereof where provided for, and Buffalo grass:

Type	Net capacity (pounds)
(1) Burlap or jute: 10-ounces or heavier	50 or 30
(2) Osnaburg which can be probed:	
(i) 36-inch 2.35 yard or heavier	50 or 30
(ii) 40-inch 2.11 yard or heavier	50 or 30

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1447, 1421)

Issued this 24th day of April, 1951.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 51-4905, Filed, Apr. 27, 1951;
8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 925—MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK

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AUTHORITY: §§ 925.1 to 925.102 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 925.0 *Findings and determinations—*
(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis

of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce and directly burden, obstruct, or affect interstate commerce in milk and its products.

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro-rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all (i) milk received from producers (including such handler's own production) received during the month, and (ii) other source milk classified as Class I milk during the month.

(6) *Effective date.* It is necessary in the public interest to make the several provisions of this order effective as hereinafter set forth. The need for the order is disclosed by the decision (16 F. R. 3053) which was executed on April 5, 1951. The provisions of the order are well known to handlers since the public hearing was held August 14-September 6, 1950, the recommended decision was published in the FEDERAL REGISTER (16 F. R. 935) on February 1, 1951, and the final decision (16 F. R. 3053) was executed by the Secretary on April 5, 1951. In view of the number of handlers involved, the widely scattered locations of their plants, and the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the provisions relating to prices and payments to producers, in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. Therefore, reasonable times are permitted, under the circumstances, for preparation for the effective dates specified. It is hereby found and determined, in view of the aforementioned facts and circumstances, that good reason exists for making

§§ 925.1 through 925.19, 925.20 through 925.22 (h), 925.30 through 925.34, 925.40 through 925.45, 925.88, 925.90 through 925.93, and 925.100 through 925.102 effective May 1, 1951, and §§ 925.22 (i), (j), (k), and (l), 925.50 through 925.53, 925.60, 925.61, 925.70, 925.71, 925.80 through 925.87, and 925.89 effective on June 1, 1951, and that it would be contrary to the public interest to delay such effective dates to dates later than those specified.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order which is marketed within the Puget Sound, Washington, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who during the determined representative period (December 1950) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Puget Sound, Washington, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 925.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 925.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 925.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 925.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the

laws of any state, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 925.6 *Puget Sound, Washington, Marketing Area.* "Puget Sound, Washington, Marketing Area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsulas on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston County; all territory lying west of range 5E in Lewis County; all territory lying east of range 10W and north of township 12N in Pacific County; and all territory lying south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section, "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above-described area: "District No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. "District No. 2" of the marketing area shall include that part of the marketing area lying within the counties of Skagit and Whatcom, and "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific.

§ 925.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk or milk products.

§ 925.8 *Fluid milk plant.* "Fluid milk plant" means any plant located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month Class I milk pursuant to § 925.41 (a) (1) is disposed of (including sales at such plant, plant store or eating place) within the marketing area.

§ 925.9 *Country plant.* "Country plant" means any plant, other than a fluid milk plant, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area (but excluding that portion of any plant used to

receive or process milk or milk products required by applicable health authority regulations to be kept physically separate from milk so qualified): *Provided*, That any such plant located outside of the marketing area other than the plant of Kristofferson, Inc., at Sequim and the plant of the Dungeness-Sequim Cooperative Creameries at Dungeness shall not be a country plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1), is less than:

(a) 50 percent in the current month during the period October through December;

(b) 20 percent in the current month during the period January through September, except that if the percentage was more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months of January through September;

And provided further, That any plant which otherwise meets the requirements of this section may withdraw from country plant status for any month in the February-September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

§ 925.10 *Nonpool plant*. "Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 *Dairy farmer*. "Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 *Producer*. "Producer" means any dairy farmer, other than a producer-handler, who produces milk qualified by any health authority having jurisdiction in the marketing area for consumption as fluid milk in the marketing area.

§ 925.13 *Producer milk*. "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid plant or country plant or caused to be diverted by a handler for his account from such a plant to a nonpool plant: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

§ 925.14 *Other source milk*. "Other source milk" means all skim milk and butterfat other than in (a) producer milk, and (b) milk and milk products received from fluid milk plants and country plants.

§ 925.15 *Handler*. "Handler" means: (a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant, or any other plant from which milk in any of the forms specified in § 925.41 (a) is disposed of to any place or establishment within the marketing area other than a plant, and

(b) Any cooperative association, which is not a handler pursuant to para-

graph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 *Producer-handler*. "Producer-handler" means any person who is both a dairy farmer and a handler, but who receives no milk from producers: *Provided*, That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 925.17 *Base*. "Base" means a quantity of milk, expressed in pounds per day, computed pursuant to § 925.60.

§ 925.18 *Base milk*. "Base milk" means (a) milk delivered by a producer during the month in the period March through September, inclusive, of each year which is not in excess of his base multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant the days of nondelivery intervening days of delivery shall be considered as days of delivery for the purposes of this paragraph; and (b) all milk delivered by a producer in each of the months of October, November, December, January and February.

§ 925.19 *Excess milk*. "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 *Designation*. The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of the Secretary.

§ 925.21 *Powers*. The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 925.22 *Duties*. The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 12th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 925.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 925.70 (a) (5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 925.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

CLASSIFICATION

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.

(2) Each handler whose total value of milk is computed pursuant to § 925.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 925.51 (a) and the Class I butterfat differential pursuant to § 925.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51 (b) and the Class II butterfat differential pursuant to § 925.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price computed pursuant to § 925.71 and the butterfat differential computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 925.30 *Monthly reports of receipts and utilization.* On or before the 6th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall report for the preceding month to the market administrator with respect to milk and milk products received at each of such handler's fluid milk plants and country plants, and at each of his plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall report with respect to milk diverted on its account during the preceding month, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers and dairy farmers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk received (except Class II milk products disposed of in the form in which received without further processing by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 925.31 *Payroll reports.* On or before the 20th day of each month, each han-

dler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month.

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 925.32 *Other reports.* At such times and in such manner as the market administrator may prescribe:

(a) Each handler shall report to the market administrator such information in addition to that required under § 925.30 as may be requested by the market administrator with respect to milk and milk products handled by him;

(b) Each producer-handler shall report to the market administrator relative to his receipts and utilization of milk and milk products.

(c) As requested by the market administrator, each handler operating a fluid milk plant or country plant shall report the total quantity of milk received from each producer and the number of days of such delivery for each of the months of October 1950 through January 1951, inclusive, together with such other information relating to the computation of bases to be in effect in the March-September 1951 period as the market administrator may prescribe.

§ 925.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 925.30, 925.31, and 925.32 and to payments required to be made pursuant to §§ 925.80 through 925.88.

§ 925.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 925.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 *Classes of utilization.* Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk (including milk frozen), skim milk, buttermilk, yogurt, flavored milk, flavored milk drinks, and cream (sweet or sour) except that disposed of pursuant to paragraph (b) (3) of this section, (2) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, or evaporated or condensed products), and (3) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes for such products (liquid or powdered), and aerated cream products) as any product other than those included under paragraph (a) (1) and (2) of this section, (2) disposed of for livestock feed, (3) disposed of in bulk in any of the forms specified in paragraph (a) (1) of this section to bakeries, soup companies, and candy manufacturing establishments in their capacity as such, (4) contained in monthly inventory variations, (5) in actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 3 percent of the quantity of skim milk and butterfat, respectively, accounted for pursuant to subparagraph (1) of this paragraph (except that accounted for pursuant to the parenthetical provision in such subparagraph), and (6) in actual shrinkage of other source milk computed pursuant to § 925.42.

§ 925.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between the pounds of producer milk and other source milk after deducting receipts from other handlers.

§ 925.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.

(c) Except as provided in § 925.44 (a) (3) and (c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

§ 925.44 *Transfers.* Skim milk and butterfat moved in any of the forms specified in § 925.41 (a) (1) from one plant to another shall be assigned (separately) to each class in the following manner:

(a) From country plants to fluid milk plants and between fluid milk plants:

(1) As Class I milk to the extent Class I milk is available at the transferee plant if the transfer is (i) from a country plant or fluid milk plant located in District No. 1 to any fluid milk plant, (ii) from a country plant not located in district No. 1 to a fluid milk plant located in district No. 2 or district No. 3, or (iii) between fluid milk plants not located in district No. 1.

(2) As Class I milk to the extent Class I milk is available at the transferee plant if the transfer is from a country plant or fluid milk plant not located in district No. 1 to a fluid milk plant located in district No. 1: *Provided*, That the quantity of Class I milk at the transferee plant available for assignment to the transferor plant shall be limited to the amount remaining after Class I milk in the transferee plant has been assigned first to receipts from country plants located in district No. 1, and then to receipts directly from producers at the transferee fluid milk plant: *And provided further*, That if such transfers originate with more than one plant not located in district No. 1 the total quantity of Class I milk available for assignment to such plants shall be prorated among such plants in proportion to the respective quantities transferred.

(3) As Class I milk if the transfer is to the plant of a producer-handler.

(b) From a fluid milk plant or country plant to a country plant: As Class II milk: *Provided*, That (1) the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction, pursuant to § 925.45 (b) (2), of other source milk received at such plant, and (2) any additional amounts of such skim milk or butterfat shall be assigned to Class I milk.

(c) From a country plant or fluid milk plant to a nonpool plant:

(1) As Class I milk if the transfer is to a nonpool plant not located in the marketing area or in the counties of Clallam, Jefferson, Grays Harbor, Kitsap, Island, or Mason in the State of Washington.

(2) As Class I milk if the transfer is to a nonpool plant not located in the marketing area but within the counties named in subparagraph (1) of this paragraph which is engaged in the distribution of milk for consumption as fluid milk, unless the receipts and utilization of milk and milk products at the non-

pool plant are reported to the market administrator and he is permitted to audit the records of such nonpool plant for the purpose of verification; and if such conditions are met, the milk transferred shall be classified as follows:

(i) The classification of all skim milk and butterfat at such nonpool plant shall be determined on the basis of the classes of utilization set forth in § 925.41; and

(ii) The skim milk and butterfat so transferred shall be allocated to Class I milk to the extent available at such plant and any remaining quantity to Class II milk.

(3) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties specified in subparagraph (1) of this paragraph which is not engaged in the distribution of milk for consumption as fluid milk: *Provided*, That if such plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area or in the counties specified in subparagraph (1) of this paragraph, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk.

§ 925.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class;

(b) Allocate skim milk in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41 (b) (5);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received: *Provided*, That if the receipts of skim milk in other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other fluid milk plants and country plants and assigned to such class pursuant to § 925.44;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) with this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section

and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 925.50 *Basic formula price to be used in determining Class I prices.* The basic formula to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarue, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month

through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 *Class prices.* Subject to the differential provided in § 925.52, the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus \$1.45.

(b) *Class II milk.* The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at San Francisco, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents.

§ 925.52 *Butterfat differential to handlers.* If the average butterfat content of the producer milk of any handler allocated to any class pursuant to § 925.45 is more or less than 4.0 percent, there shall be added to the respective class prices computed pursuant to § 925.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco as reported by the Department during the preceding month by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: 1.30;

(b) Class II milk: 1.15.

§ 925.53 *Location adjustment credit to handlers.* In computing the value of each handler's milk there shall be credited with respect to skim milk and butterfat, respectively, in producer milk received at a plant not located in district No. 1 or in the counties of Kitsap and Mason and classified as Class I milk, 25 cents per hundredweight: *Provided*, That an additional 10 cents shall be credited with respect to skim milk and butterfat so received and classified at

any plant located in Clallam or Jefferson Counties.

§ 925.60 *Computation of daily base.* Subject to the provisions of paragraph (c) of this section and to the rules set forth in § 925.61, the market administrator shall determine daily bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) During each of the months of March through September, inclusive, of each year beginning with 1951, the daily base of each producer whose milk was received by a handler(s) on not less than 90 days during the immediately preceding months of October through January, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in such four-month period by the number of days from the date of first delivery to the end of such four-month period: *Provided*, That with respect to any producer on "every-other-day" delivery the days of non-delivery intervening days of delivery shall be considered as days of delivery for the purpose of ascertaining whether delivery was made on 90 days or more pursuant to this paragraph.

(b) During the period from March through September, inclusive, of each year beginning with 1951, the daily base for the current month of any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section (including any producer for whom a base may not be computed pursuant to paragraph (a) of this section because of lack of available information regarding such producer's deliveries in the October 1950-January 1951 period) shall be a quantity computed by dividing such producer's total pounds of milk delivered to a handler(s) in the current month by the number of days from the date of first delivery to the end of such month, and multiplying the result by the percentage applicable for such month computed by the market administrator as follows: Divide the daily average deliveries of milk to handlers by all producers in the period from October of the preceding year through January of the current year, inclusive, by the daily average deliveries of all producers to handlers in the current month and subtract 10 from the figure so obtained: *Provided*, That for the period March through September 1951 the following percentages shall be used respectively:

Month:	Percentage
May -----	55
June -----	60
July -----	65
August -----	70
September -----	85

(c) For the period from the effective date of this part through September 1951 the computations provided by paragraphs (a) and (b) of this section shall be made by the handler, subject to verification by the market administrator. In the event more than one handler has received the milk of any producer during the month, the computations applicable for such month shall be the responsibility of the last handler to receive such milk during the month. Beginning with October 1951 all computations required

pursuant to this section shall be made by the market administrator.

§ 925.61 *Base rules.* The following rules shall be observed in the determination of bases:

(a) A base may be transferred during the period of March through September upon written notice to the market administrator on or before the last day of the month of transfer, but only under the following circumstances:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member (or members) of his immediate family who continues to supply producer milk from the same farm.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred as a unit to one of the joint holders or to another producer.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a) to begin the next March 1.

(c) By notifying the market administrator prior to the last day of any month in the period March through September, inclusive, a producer having a base established pursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the end of such seven-month period such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

DETERMINATION OF UNIFORM PRICE

§ 925.70 *Computation of value of milk.*

(a) Except as provided in paragraph (b) of this section, the total value of milk received during any month by each handler, including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;

(3) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of

reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(4) Add, if such handler had overage, an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 925.45 by the applicable class price; and

(5) Add, with respect to other source milk received at such handler's fluid milk plant(s) and country plant(s), respectively, in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in district No. 1 or in the counties of Kitsap or Mason, reduced by 25 cents per hundredweight.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was only within districts Nos. 2 and 3, reduced by 25 cents per hundredweight.

§ 925.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and, after this order has been in effect for two months, who made the payments pursuant to § 925.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81 (a).

(c) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(d) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(e) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk;

(f) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (e) of this section from the net amount computed pursuant to paragraph (d) of this section: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk), such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(g) Divide the net amount obtained in paragraph (f) of this section by the total hundredweight of base milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(h) Divide the amount obtained in paragraph (e) of this section plus any amount subtracted pursuant to the proviso of paragraph (f) of this section by the hundredweight of excess milk and subtract not less than 4 cents nor more than 5 cents. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 18th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month, pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 16th day after the end of such month: *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by the applicable location adjustment provided in § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 925.82.

(b) On or before the 16th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price less the amount of the location adjustment credits pursuant to § 925.53.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 925.81 *Location adjustments to producers.* In making payments to producers pursuant to § 925.80 (a) (1), deductions may be made per hundredweight of base milk received from producers at the plants and at a rate not in excess of the sum of the rates specified in paragraphs (a) and (b) of this section.

(a) 35 cents at plants located in Clallam and Jefferson Counties, and 25 cents at other plants not located in district No. 1 or in the counties of Kitsap and Mason.

(b) A rate at plants not located in district No. 1 or in the counties of Kitsap and Mason computed by (1) multiplying by 15 cents the hundredweight of butterfat and skim milk shipped to a fluid milk plant in district No. 1 and classified as Class I milk, and (2) dividing the result by the hundredweight of base milk received from producers at the plant from which such shipment was made.

§ 925.82 *Producer butterfat differential.* In making payments pursuant to § 925.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows: Multiply the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the month in which the milk was received, by 1.3 in the case of base milk, and by 1.15 in the case of excess milk, and, in each case, divide the resulting amount by 10, and round to the nearest tenth of a cent: *Provided*, That in the months of October through February, inclusive, the butterfat differential to be used pursuant to this section shall be computed by multiplying the butterfat differential for Class I milk by the percentage of butterfat in producer milk classified in such class and the butterfat differential for Class II milk by the percentage of butterfat in producer milk classified in such class, and adding together the resulting amounts.

§ 925.83 *Producer-settlement fund.* The market administrator shall estab-

lish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 *Payments to the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a) prior to application of any location adjustment allowed pursuant to § 925.81 (b).

§ 925.85 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a) prior to application of any location adjustment allowed pursuant to § 925.81 (b), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87, and 925.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from

producers who are not members of such association.

Such deductions shall be paid by the handler to the market administrator on or before the 14th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 13th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 14th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 925.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market

administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 925.93 *Liquidation.* Upon the suspension or termination of the provisions on this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the

Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 925.101 Separability of provisions. If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 925.102 Producer-handlers. Sections 925.40 to 925.45, inclusive, 925.50 to 925.53, inclusive, 925.70 to 925.71, inclusive, and 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

Issued at Washington, D. C., this 26th day of April 1951. Sections 925.1 through 925.19, 925.20 through 925.22 (h), 925.30 through 925.34, 925.40 through 925.45, 925.88, 925.90 through 925.93 and 925.100 through 925.102 shall be effective on and after the 1st day of May 1951 and §§ 925.22 (i), (j), (k), and (l), 925.50 through 925.53, 925.60, 925.61, 925.70, 925.71, 925.80 through 925.87 and 925.89 shall be effective on and after the 1st day of June 1951.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4967; Filed, Apr. 27, 1951;
8:58 a. m.]

PART 946—MILK IN THE LOUISVILLE, KY., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK

§ 946.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Louisville, Kentucky on December 18-21, 1950 and on March 9 and 14, 1951, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make the amendment hereinafter set forth effective not later than May 1, 1951, so as to reflect current marketing conditions. Any delay beyond May 1, 1951, in the effective date of this amendment to the order, as amended, will impede the operations of the fall production incentive plan and seriously threaten the supply of milk for the Louisville, Kentucky, marketing area. The provisions of the said amendment are well known to handlers—the public hearings having been held on December 18-21, 1950, and March 9 and 14, 1951, the recommended decision having been executed by the Assistant Administrator, Production and Marketing Administration on April 11, 1951, and the decision having been executed by the Secretary on April 23, 1951. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective May 1, 1951, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4 (c), Administrative Procedure Act, 60 Stat. 237, 5 U. S. C. 1001-1011.)

(c) *Determinations.* It is hereby determined that handlers (excluding co-

operative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, amending the order, as amended, which is marketed within the Louisville, Kentucky, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1951), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 946.4 (b) (1) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the basic formula price plus \$1.25.

2. Delete § 946.7 (b) (3) and substitute therefor the following:

(3) Subtract for each of the delivery periods of April, May, June, and July an amount computed by multiplying the total hundredweight of milk received from producers by handlers whose milk plants are included under subparagraph (1) of this paragraph, by 12 percent of the average of the announced basic formula prices, computed to the nearest cent, for the twelve months of the preceding calendar year.

3. Amend § 946.8 (d) (2) by replacing the words "September, October, and November" and "September, October, or November" in such subparagraph by the words "September, October, November, and December" and "September, October, November, or December" respectively.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of April 1951 to be effective on and after the 1st day of May 1951.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4943; Filed, Apr. 27, 1951;
8:59 a. m.]

[Lemon Reg. 380]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.487 *Lemon Regulation 380*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 25, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 29, 1951, and ending at 12:01 a. m., P. s. t., May 6, 1951, is hereby fixed as follows:

- (i) District 1: Unlimited movement;
 - (ii) District 2: 425 carloads;
 - (iii) District 3: Unlimited movement.
- (2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation No. 379 (16 F. R. 3458), and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 26th day of April 1951.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.*

[F. R. Doc. 51-5009; Filed, Apr. 27, 1951;
8:58 a. m.]

[Orange Reg. 368, Amdt. 1]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to the provisions of Order No. 66 (7 CFR Part 966) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of oranges grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) (b) of § 966.514 (Orange Regulation 368, 16 F. R. 3507) are hereby amended to read as follows:

(ii) *Oranges other than Valencia oranges.* * * *

(b) Prorate District No. 2: 1,250 carloads;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 27th day of April 1951.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.*

[F. R. Doc. 51-5042; Filed, Apr. 27, 1951;
11:24 a. m.]

[Orange Reg. 369]

PART 966—ORANGES GROWN IN CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.515 *Orange Regulation 369*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on April 26, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section

effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., April 29, 1951, and ending at 12:01 a. m., P. s. t., May 6, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1: 225 carloads;

(b) Prorate District No. 2: 25 carloads;

(c) Prorate District No. 3: 100 carloads;

(d) Prorate District No. 4: Unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: No movement;

(b) Prorate District No. 2: 1,000 carloads;

(c) Prorate District No. 3: No movement;

(d) Prorate District No. 4: No movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR § 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of April 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing
Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Apr. 29, 1951, to 12:01 a. m., P. s. t., May 5, 1951]

VALENCIA ORANGES

Prorate District No. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	2.1865
A. F. G. Porterville	1.9263
Ivanhoe Cooperative Association	.5735
Sandilands Fruit Co.	.9110
Doffmeyer & Son, W. Todd	.4062
Egribest Orange Association	1.7738
Elderwood Citrus Association	.8695
Exeter Citrus Association	2.1356
Exeter Orange Growers Association	.6157
Hillside Packing Association	2.3873
Ivanhoe Mutual Orange Association	.9536
Klink Citrus Association	4.3359
Lemon Cove Association	1.4626

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—Continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Lindsay Citrus Growers Association	8.1903
Lindsay Cooperative Citrus Association	1.9864
Lindsay Fruit Association	2.4782
Lindsay Orange Growers Association	1.2322
Orange Cove Citrus Association	3.0311
Orange Packing Co.	.8949
Orosi Foothill Citrus Association	1.5841
Paloma Citrus Association	.6116
Rocky Hill Citrus Association	3.0002
Sanger Citrus Association	2.2532
Sequoia Citrus Association	.8623
Stark Packing Corp.	4.4277
Visalia Citrus Association	2.9425
Waddell & Son	2.6053
Baird-Neece Corp.	1.9581
Beattie Association, D. A.	.0000
Grand View-Heights Citrus Association	4.8969
Magnolia Citrus Association	2.7561
Porterville Citrus Association, The	.9405
Richgrove-Jasmine Citrus Association	1.4678
Strathmore Cooperative Association	3.1687
Strathmore District Orange Association	1.2235
Strathmore Fruit Growers Association	1.3898
Strathmore Packing Association	1.4960
Sunflower Packing Association	2.6167
Sunland Packing House Co.	3.5214
Tule River Citrus Association	.8144
La Verne Cooperative Citrus Association	.0963
Lindsay Mutual Groves	1.7906
Martin Ranch	.9260
Orange Cove Orange Growers	1.8663
Webb Packing Co., Inc.	.2351
Woodlake Packing House	1.2113
Anderson Packing Co., R. M.	.7123
Baker Bros.	.9870
Bear State Packers, Inc.	.0076
California Citrus Groves, Inc., Ltd.	2.5840
Campbell, Ralph D. & P. Agnes	.0254
Darby, Fred J.	.1660
Dotts, Vern	.0456
Dubendorf, John W.	.1241
Far West Produce Distributors	.5068
Foran, Pat	.1217
Harding & Leggett	2.6325
Independent Growers, Inc.	1.8743
Kim, Chas. N.	.0052
Kroells Packing Co.	2.0960
Lo Bue Bros.	.6918
Maas, W. A.	.0779
Marks, W. & M.	.2331
Powell, John W.	.0000
Randolph Marketing Co.	1.5659
Reimers, Don H.	.1575
Schilling, Joseph	.1520
Sky Acres Ranch	.2153
Smith, E. L.	.0508
Swenson, L. W.	.0037
Terry, Floyd	.0025
Woodlake Heights Packing Corp.	.5335
Zaninovich Bros. Inc.	.4655

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.0936
A. F. G. Corona	.0579
A. F. G. Fullerton	.8626
A. F. G. Orange	.3844
A. F. G. Riverside	.1421
A. F. G. San Juan Capistrano	.6020
A. F. G. Santa Paula	.4806
Edgington Fruit Co., Inc.	5.7368
Hazeltine Packing Co.	.4054
Krindard Packing Co.	.2197
Placentia Cooperative Orange Association	.5220

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—Continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Placentia Pioneer Valencia Growers Association	0.6678
Signal Fruit Association	.1118
Azusa Citrus Association	.5405
Covina Citrus Association	1.2338
Covina Orange Growers Association	.6192
Damerel-Allison Association	.7979
Glendora Citrus Association	.5430
Glendora Mutual Orange Association	.3387
Valencia Heights Orchard Association	.4162
Gold Buckle Association	.5021
La Verne Orange Association	.6903
Anaheim Valencia Orange Association	1.3383
Fullerton Mutual Orange Association	2.6804
La Habra Citrus Association	1.1723
Yorba Linda Citrus Association, The	1.0381
Escondido Orange Association	2.4809
Alta Loma Heights Citrus Association	.0519
Citrus Fruit Growers	.2030
Etiwanda Citrus Fruit Association	.0282
Mountain View Fruit Association	.0480
Old Baldy Citrus Association	.1193
Rialto Heights Orange Growers	.0657
Upland Citrus Association	.3628
Upland Heights Orange Association	.1496
Consolidated Orange Growers	1.8845
Frances Citrus Association	1.2246
Garden Grove Citrus Association	1.7732
Goldenwest Citrus Association, The	1.8326
Irvine Valencia Growers	3.2242
Olive Heights Citrus Association	2.1548
Santa Ana Tustin Mutual Citrus Association	.9339
Santiago Orange Growers Association	3.9435
Tustin Hills Citrus Association	1.9833
Villa Park Orchards Association, The	2.1804
Bradford Bros., Inc.	.9455
Placentia Mutual Orange Association	3.7376
Placentia Orange Growers Association	3.4787
Yorba Orange Growers Association	.8829
Call Ranch	.0782
Corona Citrus Association	.5067
Jameson Co.	.0855
Orange Heights Orange Association	.6451
Crafton Orange Growers Association	.2756
East Highlands Citrus Association	.0686
Redlands Heights Groves	.1828
Redlands Orangedale Association	.1474
Rialto-Fontana Citrus Association	.0866
Break & Son, Allen	.0518
Bryn Mawr Fruit Growers Association	.1048
Mission Citrus Association	.1356
Redlands Orange Growers Association	.1612
Redlands Select Groves	.2739
Rialto Orange Co.	.1937
Southern Citrus Association	.1539
Arlington Heights Citrus Co.	.1500
Brown Estate, L. V. W.	.1389
Gavilan Citrus Association	.1574
Highgrove Fruit Association	.0672
McDermott Fruit Co.	.1343
Monte Vista Citrus Association	.2502
National Orange Co.	.0554
Riverside Heights Orange Growers Association, The	.0394
Sierra Vista Packing Association	.0478
Victoria Avenue Citrus Association	.2174
Claremont Citrus Association	.0995
Indian Hill Citrus Association	.2075
Walnut Fruit Growers Association	.5724

RULES AND REGULATIONS

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
West Ontario Citrus Association	0.1879
El Cajon Valley Citrus Association	.2387
Escondido Cooperative Citrus Association	.3218
San Dimas Orange Growers Association	.3515
Canoga Citrus Association	.9582
North Whittier Heights Citrus Association	1.0276
San Fernando Heights Orange Association	.8207
Sierra Madre-Lamanda Citrus Association	.3542
Camarillo Citrus Association	1.4348
Fillmore Citrus Association	3.2690
Mupu Citrus Association	2.1346
Ojai Orange Association	.7093
Piru Citrus Association	2.2636
Rancho Sespe	.8311
Santa Paula Orange Association	1.1227
Tapo Citrus Association	1.0400
Ventura County Citrus Association	.3864
Limoneira Co.	.4306
East Whittier Citrus Association	.3954
Murphy Ranch Co.	.8602
Anaheim Cooperative Orange Association	1.8864
Bryn Mawr Mutual Orange Association	.1435
Chula Vista Mutual Lemon Association	.0937
Euclid Ave. Orange Association	.7021
Foothill Citrus Union, Inc.	.1045
Golden Orange Groves, Inc.	.2364
Garden Grove Orange Cooperative, Inc.	1.0974
Highland Mutual Groves, Inc.	.0097
Index Mutual Association	.4445
La Verne Cooperative Citrus Association	1.7764
Mentone Heights Association	.0428
Olive Hillside Groves, Inc.	.5813
Orange Cooperative Citrus Association	1.5571
Redlands Foothill Groves	.4618
Ventura County Orange & Lemon Association	1.2473
Whittier Mutual Orange & Lemon Association	.1644
Babi-Juice Corp. of California	.8493
Banks, L. M.	.7411
Becker, Samuel Eugene	.0117
Bennett Fruit Co.	.1281
Borden Fruit Co.	.5087
Cherokee Citrus Co., Inc.	.1673
Chess Co., Meyer W.	.4391
Dunning Ranch	.0525
Evans Bros. Packing Co.	1.0276
Gold Banner Association	.2003
Granada Hills Packing Co.	.0288
Granada Packing House	1.2554
Hill Packing House, Fred A.	.0643
Johnson, Fred	.0061
Knapp Packing Co., John C.	.5311
Lawson, William J.	.0073
Orange Belt Fruit Distributors	1.3575
Orange Hill Groves	.0073
Otte, Arnold	.0691
Panno Fruit Co., Carlo	1.0539
Patitucci, Frank L.	.0097
Placentia Orchard Co.	.5612
Ronald, P. W.	.0226
Ronneberg, Jerry L.	.0049
Schwaer, Erwin & Arthur	.0156
Summit Citrus Packers	.0175

Prorate District No. 3

Total 100.0000

A. F. G. Vernon	.2571
Allen & Allen Citrus Packing Co.	.9942
Consolidated Citrus Growers	17.9502
McKellips Citrus Co., Inc.	7.2570
Phoenix Citrus Packing Co.	1.7080
Arizona Citrus Growers	12.6134

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 3—Continued

Handler	Prorate base (percent)
Chandler Heights Citrus Growers	2.2744
Desert Citrus Growers Co.	5.2004
Mesa Citrus Growers	13.9997
Tempe Citrus Co.	1.2830
Imperial Valley Grapefruit Growers Association	1.0985
Redlands Heights Groves	.0000
Southern Citrus Growers	1.6339
United Citrus Growers	1.1498
Yuma Mesa Fruit Growers	5.9658
Leppa-Henry Produce Co.	8.7143
Maricopa Citrus Co.	.9379
Pioneer Fruit Co.	2.6446
Clark & Sons Produce Co., J. H.	.3070
Commercial Citrus Packing Co.	1.0039
Hi Jolly Citrus Packing House	.3660
Hill Packing House, Fred A.	.0000
Ishikawa, Paul	.0489
Macchiaroni Fruit Co., James	.9513
Mattingly, Charles C.	.2685
Messina & Sons, Mike	.0655
Orange Belt Fruit Distributors	2.8912
Panno Fruit Co., Carlo	.9178
Paramount Citrus Association, Inc.	.0320
Potato House, The	.4273
Russo Bros.	1.7140
Sharp Co., K. K.	.2223
Sunny Valley Citrus Packing Co.	2.9850
Terracciano Fruit Co.	.2430
Valley Citrus Packing Co.	1.8741

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Total	100.0000
A. F. G. Alta Loma	.2690
A. F. G. Corona	.2964
A. F. G. Fullerton	.0000
A. F. G. Orange	.0000
A. F. G. Riverside	.7156
A. F. G. Santa Paula	.0508
Eadington Fruit Co., Inc.	.0000
Hazeltine Packing Co.	.0519
Krindard Packing Co.	1.8588
Placentia Cooperative Orange Association	1.0410
Placentia Pioneer Valley Growers Association	.0672
Signal Fruit Association	.7793
Azusa Citrus Association	.0000
Covina Citrus Association	.0460
Covina Orange Growers Association	.0036
Damerel-Allison Co.	.0104
Glendora Citrus Association	.0000
Glendora Mutual Orange Association	.0000
Puente Mutual Citrus Association	.0634
Valencia Heights Orchard Association	.0000
Gold Buckle Association	3.0645
La Verne Orange Association	4.5143
Anaheim Valencia Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association, The	.0000
Escondido Orange Association	.0000
Alta Loma Heights Citrus Association	.3956
Citrus Fruit Growers	1.0902
Etiwanda Citrus Fruit Association	.1909
Mountain View Fruit Association	.1852
Old Baldy Citrus Association	.5068
Rialto Heights Orange Growers	.3175
Upland Citrus Association	3.4224
Upland Heights Orange Association	1.5944
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0336
Goldenwest Citrus Association, The	.0000
Olive Heights Citrus Association	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Santiago Orange Growers Association	0.0000
Villa Park Orchards Association, The	.0000
Bradford Bradford, Inc.	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0000
Call Ranch	.8109
Corona Citrus Association	1.2017
Jameson Co.	.7769
Orange Heights Orange Association	2.8479
Crafton Orange Growers Association	1.1528
East Highlands Citrus Association	.3625
Redlands Heights Groves	.6395
Redlands Orangedale Association	1.3180
Rialto-Fontana Citrus Association	.3898
Break & Son, Allen	.2466
Bryn Mawr Fruit Growers Association	.7863
Mission Citrus Association	1.0175
Redlands Cooperative Fruit Association	1.4051
Redlands Orange Growers Association	.9145
Redlands Select Groves	.4584
Rialto Orange Co.	.5164
Southern Citrus Association	.7138
United Citrus Growers	.6877
Zillen Citrus Co.	.2923
Arlington Heights Citrus Co.	.9336
Brown Estate, L. V. W.	1.9753
Gavilan Citrus Association	2.4903
Highgrove Fruit Association	.6131
McDermott Fruit Co.	1.8922
Monte Vista Citrus Association	1.6082
National Orange Co.	1.2535
Riverside Heights Orange Growers Association	1.0102
Sierra Vista Packing Association	.8448
Victoria Avenue Citrus Association	3.4470
Claremont Citrus Association	1.2492
College Heights Orange & Lemon Association	3.0188
Indian Hill Citrus Association	1.5730
Pomona Fruit Growers Exchange	2.1417
Walnut Fruit Growers Association	.8159
West Ontario Citrus Association	1.4536
El Cajon Valley Citrus Association	.0000
Escondido Cooperative Citrus Association	.0000
San Dimas Orange Growers Association	1.4457
Canoga Citrus Association	.4639
North Whittier Heights Citrus Association	.1999
San Fernando Heights Orange Association	.3831
Sierra Madre-Lamanda Citrus Association	.2840
Camarillo Citrus Association	.0129
Fillmore Citrus Association	.0430
Ojai Orange Association	.0000
Piru Citrus Association	1.4239
Rancho Sespe	.0010
Tapo Citrus Association	.0106
Ventura County Citrus Association	.1426
East Whittier Citrus Association	.0097
Murphy Ranch Co.	.0000
Anaheim Cooperative Orange Association	.0000
Bryn Mawr Mutual Orange Association	.5773
Chula Vista Mutual Lemon Association	.0929
Euclid Ave. Orange Association	3.9028
Foothill Citrus Union, Inc.	.6223
Garden Grove Orange Cooperative, Inc.	.0000
Golden Orange Groves, Inc.	.8171
Highland Mutual Groves, Inc.	.0000

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—
continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Index Mutual Association.....	0.0000
La Verne Cooperative Citrus Association.....	5.4021
Menton Heights Association.....	.6098
Olive Hillside Groves, Inc.....	.0045
Orange Cooperative Citrus Association.....	.0000
Redlands Foothill Groves.....	2.2859
Redlands Mutual Orange Association.....	.9717
Ventura County Orange & Lemon Association.....	.4498
Whittier Mutual Orange & Lemon Association.....	.0000
Allec Bros.....	.0055
Babijuce Corp. of California.....	.3980
Banks, L. M.....	.0000
Becker, Samuel Eugene.....	.0233
Bennett Fruit Co., Inc.....	.4042
Book, Maynard C.....	.0003
Borden Fruit Co.....	.0000
Cherokee Citrus Association.....	.7869
Chess Co., Meyer W.....	.4310
Christian, Guy.....	.0017
Dozier, Paul M.....	.0045
Dunning Ranch.....	.1049
Evans Bros. Packing Co.....	1.3260
Gold Banner Association.....	1.8040
Granada Hills Packing Co.....	.0000
Granada Packing House.....	.1010
Hill Packing Co., Fred A.....	.6853
Holland, M. J.....	.0252
Knapp Packing Co., John C.....	.2577
Orange Belt Fruit Distributors.....	1.4111
Orange Hill Groves.....	.0216
Panno Fruit Co., Carlo.....	.0000
Paramount Citrus Association, Inc.....	.0997
Placencia Orchard Association.....	.0000
Prescott, John A.....	.0000
Pulos, James J.....	.0432
Redlands Fruit Association, Inc.....	.0180
Riverside Citrus Association.....	.1427
Ronald, P. W.....	.0526
San Antonio Orchards Co.....	2.3025
Stephens, T. F.....	.2277
Summit Citrus Packers.....	.0672
Wall, E. T., Grower-Shipper.....	2.5437
Western Fruit Growers, Inc.....	3.5894

[F. R. Doc. 51-5041; Filed, Apr. 27, 1951;
11:24 a. m.]PART 978—MILK IN THE NASHVILLE
TENN., MARKETING AREAORDER AMENDING THE ORDER REGULATING
THE HANDLING OF MILK

§ 978.0 *Findings and determinations.* The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hear-

ing was held upon a proposed marketing agreement and certain proposed amendments to the order regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order, amending the order effective May 1, 1951. Such action is necessary in the public interest in order to reflect current marketing conditions and to promote the orderly marketing of milk in the Nashville, Tennessee, marketing area. Any further delay in the effective date of this order amending the order will seriously threaten the orderly marketing of milk in the Nashville, Tennessee, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on March 6, 1951, the recommended decision having been published in the FEDERAL REGISTER (16 F. R. 3229) April 12, 1951, and the final decision having been executed by the Acting Secretary on April 20, 1951. Therefore, reasonable time under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order) of more than 50 percent of the volume of the milk covered by this order amending the order, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1951) were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 978.4 (b) (1) and substitute:

(1) Class I milk shall be all skim milk and butterfat: (i) Disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, and flavored milk drinks, and Yoghurt and (ii) not specifically accounted for as Class II or Class III milk.

2. In § 978.4 (b) delete subparagraph (2) and substitute the following:

(2) Class II milk shall be all skim milk and butterfat disposed of in the form of cream, eggnog and any other cream product disposed of in fluid form which is required by the Nashville Health Department to be made from approved butterfat and skim milk.

3. In § 978.4 (d) delete subparagraph (4) and substitute:

(4) As Class I milk if transferred or diverted in the form of any item specified in paragraph (b) (1) of this section and as Class II milk if transferred or diverted in the form of any item specified in paragraph (b) (2) of this section, to a nonfluid milk plant located 85 miles or more from the City Hall in Nashville, Tennessee, by the shortest highway distance as determined by the market administrator, except in the case of fluid cream only, for the delivery periods of May and June 1951, if (i) the handler reports its use in another class and the operator of the receiving plant certifies to the market administrator in writing not later than the last day of the month next following the month in which such cream was shipped that such cream was used in the class reported by the handler, (ii) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, (iii) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant in the use indicated in such certification: *Provided*, That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use

the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section.

4. Delete § 978.7 (b) (3) (ii) and substitute therefor the following:

(ii) For each of the delivery periods of October, November and December, add an amount equivalent to one-third of the total of the three amounts representing the cash balance established, during the delivery periods of April, May and June, immediately preceding, as a fall season production incentive pursuant to subparagraph (5) (ii) of this paragraph.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of April 1951, to be effective on and after the 1st day of May 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-4942; Filed, Apr. 27, 1951;
8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 501—AIRCRAFT REGISTRATION CERTIFICATES

REVISION

Part 501 was published on April 30, 1947, in 12 F. R. 2302. The sections thereof were renumbered on July 16, 1949 in 14 F. R. 4369. Notice of proposal to amend the part was published on March 8, 1951, in 16 F. R. 2161. Interested persons were afforded an opportunity to submit data, views, or arguments. Consideration has been given to all relevant matters presented. Part 501 is hereby revised to read:

- Sec.
501.1 Basis and purpose.
501.2 Scope.
501.3 Application.
501.4 Issuance of registration certificates.
501.5 Effective date.
501.6 Transferability.
501.7 Duration.
501.8 Display.
501.9 Invalidation.
501.10 Surrender.
501.11 Notice of change of address.

AUTHORITY: §§ 501.1 to 501.11 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 501, 52 Stat. 1005, as amended; 49 U. S. C. 521.

§ 501.1 *Basis and purpose.* The basis for this part is found in sections 205 and 501 of the Civil Aeronautics Act of 1938, as amended. The purpose of this part is to prescribe the regulations under which persons may register aircraft in accordance with the requirements of section 501 of the Civil Aeronautics Act of 1938, as amended.

§ 501.2 *Scope.* Except as provided in Part 502 of this chapter with respect to Dealers' Aircraft Registration Certificates, the requirements for aircraft registration certificates shall be as prescribed in this part.

§ 501.3 *Application.* Application for the registration of an aircraft shall be made upon the applicable form prescribed (and furnished) by the Administrator. (See § 406.14 (c) of this chapter.)

§ 501.4 *Issuance of registration certificate—(a) New or previously unregistered aircraft.* A registration certificate will be issued by the Administrator for aircraft not previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended: *Provided*, That the applicant:

(1) Mails or delivers a duly executed application for registration to the Administrator accompanied by the required registration fee (see § 406.14 (c) of this chapter); and

(2) Certifies that applicant is a citizen of the United States;¹ and

(3) Submits with the application proof satisfactory to the Administrator that the applicant is the owner of such aircraft.

(b) *Previously registered aircraft.* A registration certificate will be issued by the Administrator for aircraft previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended, if

(1) The applicant mails or delivers a duly executed application for registration to the Administrator accompanied by the required registration fee (see § 406.14 (c) of this chapter); and

(2) The applicant certifies that he is a citizen of the United States; and

(3) The applicant submits with the application for registration a conveyance which meets the requirements prescribed in Part 503 of this chapter, evidencing applicant's ownership of the aircraft; and

(4) The conveyance submitted with the above application establishes in the recordation system of the Administrator, title to the aircraft in the applicant: *Provided*, That this requirement shall not be applicable to contracts of conditional sale in which the seller is the recorded owner of the aircraft: *And provided further*, That if for good reason an applicant for registration cannot comply with the provisions of subparagraph (3) of this paragraph and this subparagraph, other proof of ownership satisfactory to the Administrator must be submitted.

§ 501.5 *Effective date.* An aircraft will be deemed to be registered upon the

¹ As defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended, "Citizen of the United States" means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, Territory or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions."

date the documents required by § 501.4 (a) or (b), whichever is applicable, are mailed or delivered to the Administrator.

§ 501.6 *Transferability.* A registration certificate is not transferable.

§ 501.7 *Duration.* Upon application for registration made upon the prescribed form, an aircraft may be operated for a period of sixty (60) days pending registration by the Administrator. (See § 406.14 (c) of this chapter.) The registration and the certificate issued by the Administrator pursuant thereto shall remain in effect indefinitely unless suspended or revoked: *Provided*, That such registration and certificate shall immediately expire on the date:

(a) The aircraft is registered under the laws of any foreign country; or

(b) The registration of the aircraft is canceled at the written request of the owner; or

(c) The aircraft is totally destroyed or scrapped; or

(d) The ownership of the aircraft is transferred.

§ 501.8 *Display.* The registration certificate issued for any aircraft shall be carried at all times in such aircraft and shall be presented upon request of any duly authorized representative for the Administrator, or any State or municipal official charged with enforcing local laws or regulations involving Federal compliance.

§ 501.9 *Invalidation.* Any registration of an aircraft shall be null and void if at the time of registration:

(a) The aircraft was registered under the laws of any foreign country; or

(b) The person registered as owner was not the true and lawful owner of the aircraft; or

(c) The person registered as owner was not a citizen of the United States; or the interest of such person in the aircraft was created by any transaction not entered into in good faith, but for the purpose of avoiding, with or without the knowledge of the registered owner, the provision of the Civil Aeronautics Act of 1938, as amended, prohibiting the registration of an aircraft in the name of a person not a citizen of the United States.

§ 501.10 *Surrender.* Upon the suspension, revocation, expiration, or invalidation of a registration certificate, the owner of the aircraft shall, upon request, surrender such certificate to any authorized representative of the Administrator.

§ 501.11 *Notice of change of address.* The registered owner of any aircraft shall notify the Administrator immediately of any change of address.

This part shall become effective April 28, 1951.

[SEAL] F. B. LEE,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 51-4895; Filed, Apr. 27, 1951;
8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 55¹]

PART 371—GENERAL LICENSES

PART 380—AMENDMENTS, EXTENTIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 371.9 *General in-transit license GIT* is amended in the following particulars:

a. The note at the end of paragraph (b) *Special provisions* is amended by adding thereto the following paragraph:

This general license GIT is not applicable to shipments to Subgroup A destinations, Hong Kong, and Macao, as provided in Part 384, of this subchapter.

b. Paragraph (c) *Excepted commodity list* is amended in the following particulars:

The following commodities are added to the list:

Commodity	Schedule B No.	Schedule S No. ¹
Raw cotton, except linters (averaging 510 to 520 pounds per running bale):		
American Egyptian (Pima) and Sea Island	300005	300
Upland, staple length 1½ inches and over (U. S. Official Standard)	300205	300
Upland, staple length 1½ inches up to, but not including 1½ inches (U. S. Official Standard)	300301	300
Upland, staple length 1½ inches up to, but not including 1½ inches (U. S. Official Standard)	300302	300
Upland, staple length 1½ inches up to, but not including 1½ inches (U. S. Official Standard)	300303	300
Upland, staple length under 1½ inch (U. S. Official Standard)	300307	300
Foreign cotton, reexported (when shipped by the bale, staple length, and country of origin to be reported by the shipper)	300311	300
Linters (averaging approximately 615 to 625 pounds per running bale):		
Grades 1 to 4 inclusive (U. S. Official Standard) (Notes included)	300402	300
Grades 5 to 7 inclusive (U. S. Official Standard) (Cottonseed hull fiber included)	300403	300
Grades 8 to 10 inclusive (U. S. Official Standard)	300405	300
Wool rags, woven and knit	300406	300
Diamonds, rough or uncut, suitable for cutting into gem stones	362200	350
Ores and concentrates, n. e. s.	599010	555
Other rare earths, n. e. s.	664598	680

¹ The Department of Commerce Schedule S Number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for in-transit goods is required must be reported in terms of Schedule S as well as Schedule B.

² Raw cotton and linters, Schedule B Nos. 300311, 300312, 300402, 300403, 300405, and 300406, of Mexican growth, are exportable under General License GMC, except to Subgroup A, Hong Kong, and Macao (see § 371.25 and Part 384).

³ Cerium rare earth, europium rare earth, gadolinium rare earth, lanthanum rare earth, praseodymium rare earth, and samarium rare earth, Schedule B No. 664598, are already on the list of commodities excepted from the general in-transit license (GIT) procedure.

⁴ This amendment was published in Current Export Bulletin No. 616 dated April 19, 1951.

Commodity	Schedule B No.	Schedule S No. ¹
X-ray apparatus:		
X-ray diffraction tubes; all X-ray tubes 1,000 PKV and over; X-ray tubes under 1,000 PKV, with effective focal spots 4 mm. square or less (except those 50 PKV to, but not including 140 PKV)	707510	700
X-ray diffraction units	707550	700
Concentrating and smelting machines:		
Electromagnetic separators of the following types: (a) cross-belt, all types; (b) revolving disc or ring types; (c) induced roll type, either induced or primary; (d) magnetic pulleys and drums 30 inches in diameter and over, induced or primary	733105	725
Electrostatic separators having a voltage of more than 1,000 volts across the air gap	733105	725
Parts for separators, electrostatic and electromagnetic types (described under Schedule B No. 733105)	733900	725
Blowers, and ventilating machinery and parts:		
Electrostatic precipitators; all types, and parts	764100	745
Turbo-blowers and exhausters, and parts, regardless of compression ratio	764100	745
Glass-working lathes	775030	745
Plastics and resin materials:		
Synthetic gums and resins in all unfinished forms, except laminated:		
Synthetic gums and resins including film, bristles, and bristle filament, n. e. s.		
Molding compositions:		
Polytetrafluoroethylene (Teflon)	825910	846
Polytrifluorochloroethylene (Kel-F)	825910	846
All other unfinished forms:		
Polytetrafluoroethylene (Teflon)	825950	846
Polytrifluorochloroethylene (Kel-F)	825950	846
Synthetic gums and resins, laminated (sheets, plates, strips, rods, and tubes), n. e. s.		
Polytetrafluoroethylene (Teflon)	826000	846
Polytrifluorochloroethylene (Kel-F)	826000	846
Chemical specialty compounds, n. e. s.:		
Polytrifluorochloroethylene (Kel-F) grease, oil, or wax	826990	846
Metallurgical microscopes and parts; electron microscopes and parts	914950	901
Analytical balances, including semi-micro balances, micro-chemical balances, assay balances, quartz fiber micro-balances, and electronic balances (report parts in 919098)	917500	901
Scientific instruments and laboratory apparatus, and parts, n. e. s., including laboratory-grade instruments and devices and standards of greater than ½ of 1% accuracy of full-scale deflection or value (report similar items having industrial rather than laboratory application in 703620, 703700, 703820, or 774098):		
Densitometers	919098	901
Diffraction gratings, primary standards	919098	901
Electrometers, and parts, except student type	919098	901
Impulse registers or counters (over 20 counts per second), and parts	919098	901
Leak-detecting instruments, and parts	919098	901
Metallographs	919098	901
Parts especially manufactured for analytical balances, including semi-micro balances, micro-chemical balances, assay balances, quartz fiber micro-balances and electronic balances	919098	901
Spectrophotometers (spectroscopes); and spectrometers, n. e. s.	919098	901
Manufactured plastic products, n. e. s.:		
Thermoplastic products:		
Polytetrafluoroethylene (Teflon)	981390	901
Polytrifluorochloroethylene (Kel-F)	981390	901

Certain listings therein are revised to conform with the Positive List entries for the commodities, as follows:

Commodity	Schedule B No.	Schedule S No. ¹
Carbon or graphite products (natural and artificial):		
Carbon brushes, for starting, lighting, and ignition equipment	547400	555
Other brushes and brush stock in the form of blocks, plates, and rods, carbon and artificial graphite	547400	555
All electric industrial melting and refining furnaces, and parts, including frequency generators	707410	700
Diffusion vacuum pumps, 5 inches in diameter up to but not including 12 inches in diameter (diameter measured inside the barrel at the inlet jet)	770870	745
Jet ejectors, all types, 4 stages and over, accessories, and parts (report jet ejectors under 4 stages, accessories, and parts in 713500)	770880	745
Gases, compressed, liquefied, and solidified, except liquefied petroleum gases (report liquefied petroleum gases in 540300):		
Chlorofluoromethanes: Freons	839100	830
Scientific instruments and laboratory apparatus, and parts, n. e. s., including laboratory-grade instruments and devices and standards of greater than ½ of 1% accuracy of full-scale deflection or value (report similar items having industrial rather than laboratory application in 703620, 703700, 703820, or 774098):		
Laboratory furnaces, other than electrical, of the following types only: muffle furnaces; combustion furnaces; and crucible furnaces (report laboratory furnaces, electrical, muffle, combustion or crucible types in 707492)	919098	901
Microphotometers, and parts	919098	901
Spectrophotometers, and parts	919098	901

¹ The Department of Commerce Schedule S number is shown for each commodity. All shipments of merchandise for which the shipper's export declaration for in-transit goods is required must be reported in terms of Schedule S as well as Schedule B.

² Export authorization for diffusion vacuum pumps, 12 inches and larger in diameter, classified under Schedule B No. 770870, is under the exclusive jurisdiction of the Atomic Energy Commission. See § 270.7.

The Schedule S numbers are changed for certain listings, as follows:

Listings involved	New Schedule S
Schedule B Nos.	No.
501610	508
501620	508
501640	506
504001	520
504003	520
620998	607
839520	833
919098	901

This part of the amendment shall become effective as of April 19, 1951, except that with respect to the additions of raw cotton and cotton linters Schedule B Numbers 300005-300406 to paragraph (c), *Excepted commodity list*, it shall become effective May 4, 1951.

2. Section 371.23 *General license for gift parcels* is amended to read as follows:

§ 371.23 *General license for gift parcels—(a) Scope of license.* A general license is hereby established authorizing the exportation of gift parcels by mail, including parcel post, and air express, addressed to individuals residing in all destinations except Mainland China (including Manchuria) and North Korea:

Provided, That such exportations are made in accordance with the following provisions of this section.

NOTE: The establishment of this procedure does not alter in any respect the provisions of any other general license or other procedure of the Office of International Trade authorizing the exportation of commodities.

Multiple parcels exported in a single shipment for delivery to individuals residing in a foreign country do not fall within the provisions of this general license. Such shipments, unless authorized by one of the other general licenses set forth in this part, must meet validated license requirements, including the submission of a license application in accordance with all of the provisions of Parts 370 through 399 of this subchapter.

(b) *Definition*. The term "gift parcel" as used in this part means a parcel containing commodities to be sent by an individual in the United States (the donor) free of cost to an individual in a foreign destination (the donee), and must be for the personal use of the donee or his immediate family.

(c) *Commodity, weight, and other limitations*—(1) *Manner of mailing*. A gift parcel sent under this general license must be mailed directly to the individual donee by the individual donor, or for such donor by a commercial or other gift-forwarding service or organization. Each gift parcel must show, on the outside wrapper, the name and address of the individual donor, regardless of whether mailed by him or by a forwarding service.

(2) *Commodity limitations*. Commodities which may be included in each gift parcel under this general license are restricted to those normally sent as gifts, such as food, clothing (other than military), toilet articles, and medicinals and drugs obtainable through regular retail druggists without prescription and bearing directions in the labeling for their use by the lay public. Specifically excluded are military wearing apparel (new and used), Schedule B No. 999930, and all medicinals and drugs requiring prescriptions, including all antibiotics, sulfonamides, and medicinals and drugs intended only for professional use.

(3) *Dollar-value limitations*. The combined total domestic retail value of all commodities included in a single parcel shall not exceed twenty-five dollars (\$25).

(4) *Weight limitations*. The weight of each gift parcel sent under this general license shall not exceed forty-four (44) pounds if sent by parcel post and twenty-five (25) pounds if sent by air express.

(5) *Postal regulations*. Gift parcels sent via parcel post under this general license shall conform with applicable Post Office regulations as to size, weight, and permissible contents.

(6) *Other limitations*. Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(7) *Excluded destinations*. Exportations under the authority of this general license may not be made to North Korea.¹

¹ Includes any territory controlled by the Government of North Korea.

China (including Inner Mongolia, Tsinghai, Sikang, Sikiang), Manchuria (including the former Kwantung Leased Territory), Outer Mongolia, and Tibet, as described in Schedule C of the Bureau of the Census.

(d) *General license designation*. In addition to bearing the name and address of both the individual donor and individual donee, all gift parcels presented for shipment under this general license must have the notation "Gift—Export License Not Required" written on the addressee side of the package and the word "Gift" written on any required customs or shipper's export declarations.

This part of the amendment shall become effective as of April 19, 1951.

3. Section 380.2 *Amendments or alterations of licenses* is amended in the following particulars:

Paragraphs (a), (b) and (c) are amended to read as follows:

§ 380.2 *Amendments or alterations of licenses*—(a) *Persons authorized to amend licenses*. No amendments or alterations of export licenses may be made except by the Department of Commerce or by collectors of customs or postmasters acting under specific instructions from the Department of Commerce.

(b) *Where to file*—(1) *General*. All requests for amendments to licenses may be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C. However, certain types of amendments described in subparagraph (2) of this paragraph also may be submitted to field offices of the Department of Commerce which are located in the following cities, provided the exportation will be cleared through a port located in the same city in which the field office is located or through a port located in a specified city nearby, as indicated below:

Boston.	Houston (Galveston;
New York.	Laredo).
Philadelphia.	El Paso.
Jacksonville.	Los Angeles.
Miami (Port Ever-	San Francisco.
glades; West	Portland, Oregon.
Palm Beach).	Seattle (Tacoma).
New Orleans (Baton	Detroit (Port
Rouge; Morgan	Huron).
City, La.).	Chicago.
	Cleveland (Toledo).

(2) *Amendment requests on which field offices may take action*. If the U. S. port of exit is known and the request for amendment to a license involves no change other than the following, the Department of Commerce field offices set forth in subparagraph (1) of this paragraph are authorized to take action on:

(i) Extension of validity period.

(ii) Correction of obvious errors in the license, such as mistakes in typing in name and address.

(iii) Change of quantity or dollar value required as result of factors beyond the control of the licensee, such as unforeseen overruns of the mill. Field offices of the Department of Commerce are limited in their approvals of such amendment requests, however, to specified small percentage increases in the licensed quantity or dollar value.

(iv) Change of the licensee's address: The Department of Commerce field offices are not authorized to take action on requests for amendments to licenses covering exportations to Subgroup A countries, Hong Kong, or Macao unless the amendment involves no more than a correction of obvious errors in the license, such as mistakes in typing.

(3) Requests for amendment of licenses covering shipments to be cleared from any port other than those indicated in subparagraph (1) of this paragraph shall be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C.

(4) Amendment requests shall not be submitted to a field office if the licensee does not know the intended port of exit.

(c) *Procedure for submitting requests for amendments*—(1) *Number of copies*. Requests for amendments shall be submitted on Form IT-763, Request for and Notice of Amendment Action, in triplicate. However, when such requests are filed with one of the above-named field offices, a fourth copy must be submitted; this fourth copy may be made on plain, thin, white paper.

(2) *Information required*. All numbered items shown on IT-763 must be completely filled in on all copies.

(i) The reasons for the requested amendment must be clearly stated in answer to item 6.

In requesting an amendment for change in the purchaser or ultimate consignee, the licensee must comply (a) with the provisions of § 372.3 (d) of this subchapter regarding a statement from the ultimate consignee (purchaser) if the shipment is destined to an R country; and (b) with the provisions of § 373.1 (b) of this subchapter regarding evidence and certification of accepted orders, if applicable to the commodity being exported. Such certification may be made on the back of Form IT-763 or on a sheet attached thereto.

Where the request for amendment involves a change in the country of destination as well as a change in the purchaser or ultimate consignee, the applicant must explain fully the circumstances which prevented shipment to the original country of destination, in item 6 of Form IT-763.

(ii) The address of the collector of customs with whom the license has been or will be deposited must be entered in item 7. If the exporter has not deposited his license with the collector at the intended port of exit, he must do so at the time of submitting his request for an amendment. The licensee must not retain the license when submitting an amendment request. If the exporter does not know the intended port of exit, he shall return his license to the Office of International Trade with his request for amendment on Form IT-763; in which case, the applicant shall enter the word "Unknown" in answer to item 7.

(iii) In completing item 8, "Amend license to read as follows," the applicant must identify that portion of the license upon which amendment is requested and insert the proposed change.

(iv) When requests are filed with one of the above-named field offices of the Department of Commerce, the applicant must indicate on the reverse side of the original of Form IT-763, or on a separate sheet attached thereto, the following additional information:

(a) Country of ultimate destination;
(b) Commodity description and Schedule B number; and

(c) A certification that the amendment requested has not been previously denied by the Washington office of the Office of International Trade and is not currently pending therein.

(3) *Signature.* The signature of the licensee, or an officer or duly authorized agent of the licensee, must be placed on the original and duplicate copies in the space provided. When such request is submitted by an officer or an agent authorized by the licensee, who may be a freight forwarder, attorney, or any other individual so authorized, he must sign the request by entering the licensee's name and underneath his own signature prefixed by the word "By" and followed by his own title.

For example: Joseph Aloysius Jones,
By. Hamilton Newbold,
Agent.

(4) *Telegraphic requests.* Under emergency conditions, a request for amendment may be made by telegram, and the licensee may include therein a request that the amendment, if approved, be teletyped to the collector of customs. In such instances, the telegram must include the same information required to complete Form IT-763, and, in addition, full information as to the necessity for such type of service, including deadline dates. If the request is submitted by mail on Form IT-763, but emergency clearance by teletype is requested, a letter setting forth full details as to the necessity for such service, including deadline dates, must accompany the request. Telegraphic requests submitted to field offices must also include the additional information required under the provisions of subparagraph (2) (iv) of this paragraph.

NOTE: Requests for amendments by telephone or by letter will not be accepted.

1. *Licenses held by collectors—Amendment action by OIT, Washington, D. C.:* On an approved request, the Office of International Trade will validate all copies of Form IT-763 by imprinting in the space headed "Validation" a facsimile of the Department of Commerce seal followed by a five-digit number representing the date of validation; the duplicate copy will be forwarded as the official notice of amendment to the collector of customs designated in item 7; the triplicate copy will be forwarded to the individual named in item 4 of IT-763. If the request is rejected, or returned without action, the reasons therefor will be indicated in the upper right-hand corner, and the duplicate and triplicate copies returned to the applicant. Upon request, and where warranted, advice of an amendment action will be dispatched by collect wire to the applicant, and (in the case of approved requests) by teletype to the collector of customs; copies of Form IT-763 then will be mailed in the usual manner and serve as confirmation of wire advices.

Amendment action by field offices: Amendments approved by field offices will be val-

dated differently from those approved by the Washington Office. In place of the facsimile of the Department of Commerce seal and a five-digit number representing the date of the validation, the name of the field office making the amendment will be inserted in the space headed validation. To complete the validation process, the amending officer will insert a serial number in the space provided, sign and date the IT-763, and check the space indicating approval. The original will then be forwarded to the Washington office of the Office of International Trade; the duplicate will be sent to the appropriate collector of customs as the official notice of amendment; and the triplicate (confirmation) copy will be sent to the individual named in item 4 of IT-763. On requests which are rejected or returned without action, the triplicate copy will be returned to the applicant.

2. *Licenses sent to OIT.* In those cases where the intended port of exit is unknown and the license accompanies Form IT-763, the Office of International Trade, on an approved request, will prepare a new license and forward it to the individual named in item 4 of Form IT-763. However, if the amendment requested is for an extension of validity period, such amendment will be made by typing a new expiration date on the face of the original license.

3. *Where to obtain Form IT-763.* Form IT-763 is set up in pads of quadruplicates so as to provide a copy for the applicant's file. Sets of the forms may be obtained by writing to any Field Office of the Department of Commerce. (Consult the list on page xvi for address of nearest office.)

This part of the amendment shall become effective as of May 1, 1951.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Supp. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Deputy Director,

Office of International Trade.

[F. R. Doc. 51-4915; Filed, Apr. 27, 1951;
8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. and Supp., 357), the regulations for the certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 146.1 et seq. and 1949 Supp.; 15 F. R. 9464; 16 F. R. 2471) are amended as indicated below:

1a. In § 146.27 *Penicillin tablets*, the first sentence of paragraph (a) *Standards of identity, etc.*, is amended by inserting the words "crystalline penicillin O," between the words "potassium penicillin," and "or procaine penicillin."

b. Section 146.27 (a), fourth sentence, is amended by inserting the words "crystalline penicillin O," between the words "calcium penicillin," and "or potassium penicillin".

c. In § 146.27, subparagraph (1) (vi) of paragraph (c) *Labeling* the first and second clauses are amended by changing the words "if crystalline sodium or potassium penicillin is used" to read "if crystalline penicillin or crystalline penicillin O is used", and in the last clause by changing the words "or if crystalline sodium penicillin, potassium penicillin, or procaine penicillin is not used" to read "or if crystalline penicillin, procaine penicillin, or crystalline penicillin O is not used".

d. Section 146.27 (d) (2) (ii) is amended to read:

(d) *Request for certification; samples.*

(2) * * *

(ii) The penicillin used in making the batch; potency, toxicity, moisture, pH, penicillin K content (unless it is crystalline penicillin G or crystalline penicillin O), crystallinity if it is crystalline penicillin, heat stability if it is crystalline sodium penicillin, potassium penicillin or crystalline penicillin O, the penicillin G content if it is crystalline sodium penicillin G, potassium penicillin G, or crystalline penicillin O, the procaine penicillin G content if it is procaine penicillin G, and the penicillin O content if it is crystalline penicillin O.

2a. In § 146.45 *Procaine penicillin in oil*, the first clause of the first sentence of paragraph (b) *Packaging* is amended to read as follows: "The immediate container of procaine penicillin in oil shall be of colorless transparent glass (unless it is packaged to contain a single dose), so closed as to be a tight container as defined by the U. S. P."

b. In § 146.45 (b) the third and fourth sentences are amended by changing the word "glass" to read "such."

3. Section 146.46 (c) (1) (iii) is amended to read:

(c) *Labeling.* (1) * * *

(iii) The statement "Expiration date _____" the blank being filled in, if crystalline sodium penicillin or potassium penicillin is used, without a diluent, with the date which is 36 months, or if procaine penicillin is used, without a diluent, with the date which is 24 months, or if a diluent is used, with the date which is 18 months after the month during which the batch was certified;

4. In § 146.47 *Procaine penicillin for aqueous injection*, the second sentence of paragraph (b) *Packaging* is amended by changing the period at the end thereof to a comma and by adding the following new clause: "unless it is the aqueous suspension of the drug and it is packaged to contain a single dose."

5. In § 146.50 *Procaine penicillin and buffered crystalline penicillin for aqueous injection*, the first sentence of paragraph (a) is amended to read as follows: "Each immediate container shall contain not less than 50,000 units of buffered crystalline penicillin for each 300,000 units of procaine penicillin."

6. Part 146 is amended by adding the following new sections:

§ 146.61 *Penicillin for animal feed; streptomycin for animal feed; dihydrostreptomycin for animal feed; aureomy-*

cin for animal feed; chloramphenicol for animal feed; bacitracin for animal feed. Penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, or bacitracin intended for use solely as an ingredient in the manufacture of animal-feeding supplements and conspicuously so labeled, shall be exempt from the requirements of sections 502 (1) and 507 of the act, if it contains one or more suitable denaturants that makes it unfit for human use. But in no case shall it be exempt from such requirements if it is represented for use (a) in the cure, mitigation, treatment, or prevention of disease; or (b) as an ingredient for animal feed that is intended for use in the cure, mitigation, treatment, or prevention of disease.

§ 146.62 *Animal feed containing penicillin; animal feed containing streptomycin; animal feed containing dihydrostreptomycin; animal feed containing aureomycin; animal feed containing chloramphenicol; animal feed containing bacitracin.* Animal feed containing penicillin, streptomycin, dihydrostreptomycin, aureomycin, chloramphenicol, or bacitracin intended for use solely as an animal-feeding supplement shall be exempt from the requirements of sections 502 (1) and 507 of the act. But in no case shall such animal feed be exempt from such requirements if it is represented for use in the cure, mitigation, treatment, or prevention of disease.

7. In § 146.106 *Streptomycin sulfate* * * * the last clause of the second sentence of paragraph (b) *Packaging* is amended to read: "unless it is packaged to contain a single dose."

8. The headnote of § 146.403 is amended to read as follows:

§ 146.403 *Bacitracin tablets (bacitracin vaginal suppositories, if they are represented for vaginal use).*
(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order, which provides for exemption from certification of antibiotic drugs to be used solely as an ingredient in the manufacture of animal feed supplements and conspicuously so labeled, provided they contain one or more suitable denaturants making them unfit for human use and provided they are not represented for use in the cure, mitigation, treatment, or prevention of disease; for exemption from certification of animal feed containing antibiotic drugs provided it is not represented for use in the cure, mitigation, treatment, or prevention of disease; for certification of crystalline penicillin O tablets; for modification of the packaging requirements for procaine penicillin in oil, procaine penicillin for aqueous injection, procaine penicillin and buffered crystalline penicillin for aqueous injection, streptomycin sulfate and dihydrostreptomycin sulfate solution; for a change in the expiration date of certification of procaine penicillin for inhalation therapy from 18 to 24 months; and for use of the term "bacitracin vaginal suppositories" in lieu of the term "bacitracin tablets" when such tablets are represented for vaginal use, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industries will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for exemption from certification of antibiotic drugs to be used solely as an ingredient in the manufacture of animal feed supplements and conspicuously so labeled, provided they contain one or more suitable denaturants making them unfit for human use and provided they are not represented for use in the cure mitigation, treatment, or prevention of disease; for exemption from certification of animal feed containing antibiotic drugs provided it is not represented for use in the cure, mitigation, treatment, or prevention of disease; for certification of crystalline penicillin O tablets; for modification of the packaging requirements for procaine penicillin in oil, procaine penicillin for aqueous injection, procaine penicillin and buffered crystalline penicillin for aqueous injection, streptomycin sulfate and dihydrostreptomycin sulfate solution; for a change in the expiration date of certification of procaine penicillin for inhalation therapy from 18 to 24 months; and for use of the term "bacitracin vaginal suppositories" in lieu of the term "bacitracin tablets" when such tablets are represented for vaginal use.

Dated: April 24, 1951.

[SEAL]

OSCAR R. EWING,
Administrator.

[F. R. Doc. 51-4916; Filed, Apr. 27, 1951;
8:53 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 864—ENLISTED RESERVE

VOLUNTARY ENTRY ON ACTIVE DUTY (21) MONTHS

Sections 864.51 to 864.63 are hereby added to Part 864 as follows:

VOLUNTARY ENTRY ON ACTIVE DUTY (21 MONTHS)

Sec.	
864.51	Purpose.
864.52	Eligibility.
864.53	Ineligibility.
864.54	Physical qualifications.
864.55	Applications.
864.56	Channels of communication.
864.57	Orders.
864.58	Effective date of duty.
864.59	Grade.
864.60	Pay.
864.61	Promotion.
864.62	Discharge or relief from active duty.
864.63	Enlistment in the Regular Air Force.

AUTHORITY: §§ 864.51 to 864.63 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 2, Pub. Law 599, 81st Cong.

DERIVATION: AFR 39-48.

§ 864.51 *Purpose.* Sections 864.51 to 864.63 implement the Selective Service Act of 1948, as amended (62 Stat. 604, Pub. Law 599, 81st Cong.; 50 U. S. C., App. 451-471) by the establishment of criteria and procedures whereby enlisted members of the United States Air Force Reserve voluntarily may be ordered to active duty with the Air Force for a period of 21 months.

NOTE: The provisions of the regulations contained in §§ 864.51 to 864.63 are not to be confused with the separate provisions of §§ 864.13 to 864.25 (32 CFR, 1949 Supp., 864.16-864.25; 14 F. R. 5525) which pertain to the Air Force Reserve Training Center program.

§ 864.52 *Eligibility*—(a) *General.* To be eligible for active duty under the provisions of §§ 864.51 to 864.63 the applicant must:

(1) Be an enlisted member of the United States Air Force Reserve.

(2) Meet the general qualifications for enlistment under the provisions of Part 571 of Chapter V of this title.

(3) Meet the same mental and educational standards which are prescribed for enlistment in the Regular Air Force.

(4) Have a minimum of 21 months remaining in his current inactive Reserve enlistment. Enlisted Reservists may be discharged from the United States Air Force Reserve for the convenience of the Government prior to expiration of term of enlistment and be reenlisted in the United States Air Force Reserve for three years in order to permit the applicant to qualify for the 21-month active duty tour.

(b) *Retired airmen.* In addition to meeting the requirements of subparagraphs (1), (2), and (3) of paragraph (a) of this section, airmen retired under the provisions of section 4, 59 Stat. 539, as amended; 10 U. S. C. 948, must have less than 27 years' service (to include active service and service on the retired list) at the time of entry into active military service.

§ 864.53 *Ineligibility.* The following enlisted Reservists are not eligible for entry into active military service under the provisions of §§ 864.51 to 864.63.

(a) Those below grades 5, 6, or 7 who have three or more dependents.

(b) All females who have children under 18 years of age. A woman who has any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children, including step-children or foster children will not be ordered into active military service. Women who have surrendered all rights to custody and control of natural children through formal adoption or final divorce proceedings may be accepted.

(c) Those who are retired enlisted personnel with over 27 years' service or those enlisted personnel retired under the provisions of current directives.

§ 864.54 *Physical qualifications.* (a) Unless evidence of an acceptable physical examination within the preceding 90 days is presented, enlisted Reservists ordered to active duty will complete

Standard Form 89, "Report of Medical History" and undergo a medical examination in accordance with prescribed standards.

(b) Determination of physical fitness will be made at processing station or first duty station within 72 hours after reporting.

(c) Physically disqualified Reservists will be relieved from active duty and returned to their homes on orders issued by the appropriate agency.

§ 864.55 Applications.—(a) *Contents.* Applicants will submit a letter of request containing the following information:

(1) Full name, grade (Reserve) and Air Force serial number.

(2) Home address and mailing address.

(3) Air Force Specialty.

(4) General Classification Test Score.

(5) Educational level.

(6) Number of months of overseas duty.

(7) Age.

(8) Marital status and the number, age, and relationship of dependents.

(9) Sex.

(b) *Approval.* The approval of an application by the applicant's organization commander with respect to members of the Organized Air Reserve does not insure that the applicant will be ordered to active duty, as selections are based on the over-all need of the Air Force.

(c) *Reporting change of status.* Any change of status which might affect the applicant's entry on active duty will be reported by him to the commanding general of the numbered air force to whom he submitted his application.

§ 864.56 Channels of communication. The letter of application will be submitted by enlisted Reservists of the Organized Air Reserve to the commanding general of the numbered air force of the Continental Air Command in whose area they reside through the commanding officer of the activity to which assigned. The letter of application from all other enlisted Reservists will be submitted direct to the commanding general of the numbered air force of the Continental Air Command in whose area they reside. Upon receipt of a letter of application submitted under the provisions of §§ 864.51 to 864.63 the commanding general of the appropriate numbered air force will:

(a) Screen the application and personnel records, including the 201 file, of the applicant to insure that he meets the necessary qualifications, other than physical, as set forth in §§ 864.51 to 864.63.

(b) Issue orders directing the enlisted Reservist to report to the Air Force processing station nearest his home for classification, delay action, and completion of a physical examination. Upon completion of administrative processing and satisfactory completion of the physical examination, the enlisted Reservist normally will return to his home to await orders effecting his re-entry into active military service.

§ 864.57 Orders. (a) Orders effecting the entry into active military service of enlisted Reservists may be issued by the Commanding General, Continental Air Command, and numbered air forces under his command, the Air Force Reserve Training Centers for personnel assigned to reserve units of their respective United States Air Force Reserve wings, and processing squadrons for Reservists who have previously been processed during short periods of active duty.

(b) Orders will be issued as far in advance of the effective date of duty as possible. A minimum period of 30 days must elapse between the date the Reservist receives orders and the date on which he must report for extended active duty.

(c) Travel by private automobile at the rate of 300 miles a day may be authorized.

§ 864.58 Effective date of duty. The effective date of duty is the date the enlisted Reservist is to depart from his home in compliance with orders. Enlisted Reservists departing from their home in advance of the effective date of duty do so at their own risk in event of injury or cancellation of orders.

§ 864.59 Grade. Reservists accepted for active duty under the provisions of §§ 864.51 to 864.63 will be ordered into active military service in the grade which they hold in the United States Air Force Reserve.

§ 864.60 Pay. Pay begins to accrue on the date that the enlisted Reservist physically departs from his home in compliance with orders, provided departure is not prior to the effective date of duty.

§ 864.61 Promotion. Promotion of enlisted Reservists on active duty with the Air Force will be controlled by current Air Force policies governing promotion of airmen.

§ 864.62 Discharge or relief from active duty. The discharge of enlisted Reservists during their 21-month tour of active duty will be in accordance with current directives which govern the discharge of Regular Air Force personnel. Personnel completing their active duty tours will not be discharged but will be relieved from active duty and furnished Department of Defense Form 217AF, "Certificate of Service."

§ 864.63 Enlistment in the Regular Air Force. Reservists accepted for active military service under the provisions of §§ 864.51 to 864.63 may be enlisted in the Regular Air Force under the provisions of Part 883 of this chapter (16 F. R. 641). Separation for the purpose of immediate enlistment will be effected under the provisions of current directives.

[SEAL]

K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 51-4892; Filed, Apr. 27, 1951;
8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 4]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

EXTENSION OF TIME FOR FILING; AND WHOLESALE PRICES FOR BRANDED ARTICLES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 4 to Ceiling Price Regulation 7 (16 F. R. 1872) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment extends until May 30, 1951, the date by which retailers under Ceiling Price Regulation 7 must file their pricing charts. Although retailers for the categories originally listed in the regulation had their filing time extended by a previous amendment, the addition to the coverage of the regulation of many new categories of merchandise imposed an additional burden, which requires the extension here granted. This was especially true for sellers brought under the coverage of the regulation for the first time by the addition of categories under Amendment 2, effective April 10, 1951. Although most retailers will not require the additional time extended to them by this amendment, the Director believes that the extension here granted will be ample for all.

Section 43 of the regulation provides for the establishment of fixed retail resale prices of branded articles by special orders. In operating under that section the Director has encountered in a number of situations a manufacturer's practice of fixing not only uniform prices at retail but a similar line of prices at the wholesale level as well. This practice has been incidental to the fixing of the uniform retail prices, and its continuation appears to be desirable and necessary for efficient pricing of branded lines. Accordingly, section 43 has been amended to permit the Director, when he fixes uniform prices for branded articles at retail, to likewise establish for those articles uniform prices for sales at wholesale.

The amendment makes one additional change in the regulation. Section 16 (a) was originally inserted into the regulation to provide relief for retailers who, up to the time they were frozen under the General Ceiling Price Regulation, had maintained their prices notwithstanding the receipt of goods at increased costs. The provision stated that if a retailer had received an invoice subsequent to January 1 but his price on the list date was unchanged from his initial offering price based on the next to the last invoice, he could list the net cost on the next to the last invoice. The relief provision just quoted, of course, would not be effectual to any practical extent in the case of cost listings for the

list date on March 31, 1951. In order to give the same measure of relief to the sellers for whom the list date is March 31, 1951, as is afforded to sellers whose list date is February 24, 1951, the existing provision has been amended to provide that in the situation described above, the seller may use as his net cost the net cost on the next to the last invoice received prior to February 24, 1951.

AMENDATORY PROVISIONS

1. Section 5 is amended by changing the date "April 30, 1951" to "May 30, 1951."

2. Section 11 (a) is amended by changing the date "April 30, 1951" to "May 30, 1951."

3. Section 11 (b) is amended by changing the date "April 30, 1951" to "May 30, 1951."

4. Section 11 (c) is amended by changing the date "April 30, 1951" to "May 30, 1951."

5. Section 12 is amended by changing the date "April 30, 1951" to "May 30, 1951," and by changing the date "May 30, 1951" to "June 30, 1951."

6. Section 16 (a) is amended by inserting in the second sentence after the clause "next to the last invoice which you had received for that article" the phrase "prior to February 24, 1951," and by inserting at the end of the sentence after the word "invoice" the phrase "received prior to February 24, 1951."

7. Section 43 is amended in the following respects: (a) In section 43 (a) insert the phrase "and ceiling prices for sales at wholesale for the same articles" after the phrase "prices for branded articles" in the first sentence.

(b) Add a new subparagraph (3) to paragraph (a) of section 43 to read as follows:

(3) If the applicant had a policy of uniform prices for sales at wholesale for his branded merchandise for a period immediately prior to January 26, 1951 and can establish that the merchandise when resold at wholesale was sold at substantially uniform prices, except for a limited area, the OPS in establishing uniform retail ceiling prices for the merchandise may also establish uniform resale wholesale ceiling prices for the merchandise.

(c) Subparagraph (1) of paragraph (b) of section 43 is amended to read as follows:

(1) An order may be issued under this section establishing uniform ceiling prices for all retail sales or sales at wholesale of an article covered by this regulation, although such sales may not otherwise be subject to this regulation.

(d) In section 43 (b) (2) insert the word "generally" after the phrase "under this section."

(e) In section 43 (b) (4) add the following sentence: "Such an order in appropriate instances may also establish wholesale ceiling prices."

(f) In section 43 (d) (2) (iv) insert the phrase "and wholesalers" after the word "retailers."

(g) In section 43 (d) (2) add a new subdivision (vi) to read as follows: (vi) His suggested price for sales at whole-

sale, if any, immediately prior to January 26, 1951 (including evidence to show his method of price maintenance), or if he had no such suggested price prior to January 26, 1951, or did not attempt to enforce such suggested price but can show that the merchandise was sold at substantially uniform prices, he should submit evidence similar to that specified for retail prices in subdivision (v) of this subparagraph.

(h) In section 43 (d) (3) insert the phrase "and wholesale" after the word "retail."

8. Section 52 (a) (2) is amended by changing the date "April 30, 1951" to "May 30, 1951."

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This Amendment 4 shall become effective on the 27th day of April 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5018; Filed, Apr. 27, 1951; 10:10 a. m.]

[Ceiling Price Regulation 7, Amdt. 3 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICES FOR CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS

EXTENSION OF TIME

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 3 to Supplementary Regulation 1 of Ceiling Price Regulation 7 (16 F. R. 1895) is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment reflects action taken in an amendment to Ceiling Price Regulation 7 issued simultaneously herewith, extending the dates for filing list date charts and reports and for acknowledging those charts and reports to May 30, 1951, and June 30, 1951, respectively. The grounds for the extension are stated in the concurrently issued amendment to Ceiling Price Regulation 7.

AMENDATORY PROVISIONS

Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended in the following respects:

1. Section 6 (c) (1) is amended by substituting the date May 30, 1951, for the date April 30, 1951.

2. Section 6 (c) (3) is amended by substituting the date June 30, 1951, for the date May 30, 1951.

3. Section 6 (d) is amended by substituting the date June 30, 1951, for the date May 30, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment shall become effective on the 27th day of April 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5017; Filed, Apr. 27, 1951; 10:10 a. m.]

[Ceiling Price Regulation 14, Amdt. 1]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

EXTENDING DATE FOR ESTABLISHING CEILING PRICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 14 postpones from April 30, 1951 to May 14, 1951, the date on or before which the ceiling prices established by applying the provisions of this regulation must be put into effect. Postponement of the date on which all ceiling prices must be established under this regulation is deemed advisable since many persons covered by the regulation cannot complete the recalculations necessary in order to be in compliance with the provisions of the regulation before April 30, 1951.

AMENDATORY PROVISIONS

Ceiling Price Regulation 14 is amended so that the date of April 30, 1951 wherever it appears in the regulation is changed to read May 14, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective April 27, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5010; Filed, Apr. 27, 1951; 8:52 a. m.]

[Ceiling Price Regulation 15, Amdt. 1]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

EXTENDING DATE FOR ESTABLISHING CEILING PRICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 15 postpones from April 30, 1951,

to May 14, 1951, the date on or before which the ceiling prices established by applying the provisions of this regulation must be put into effect. Postponement of the date on which all ceiling prices must be established under this regulation is deemed advisable since many persons covered by the regulation cannot complete the recalculations necessary in order to be in compliance with the provisions of the regulation before April 30, 1951.

AMENDATORY PROVISIONS

Ceiling Price Regulation 15 is amended so that the date of April 30, 1951, wherever it appears in the regulation is changed to read May 14, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective April 27, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5011; Filed, Apr. 27, 1951;
8:52 a. m.]

[Ceiling Price Regulation 16, Amdt. 1]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

EXTENDING DATE FOR ESTABLISHING CEILING PRICES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 16 postpones from April 30, 1951, to May 14, 1951, the date on or before which the ceiling prices established by applying the provisions of this regulation must be put into effect. Postponement of the date on which all ceiling prices must be established under this regulation is deemed advisable since many persons covered by the regulation cannot complete the recalculations necessary in order to be in compliance with the provisions of the regulation before April 30, 1951.

AMENDATORY PROVISIONS

Ceiling Price Regulation 16 is amended so that the date of April 30, 1951, wherever it appears in the regulation is changed to read May 14, 1951.

(Sec. 704, Pub. Law 774, 81st Cong.)

Effective date. This amendment is effective April 27, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5012; Filed, Apr. 27, 1951;
8:52 a. m.]

No. 83—4

[General Ceiling Price Regulation, Supplementary Regulation 19]

GCPR, SR 19—ADJUSTMENT OF CEILING PRICES OF FAIR TRADE COMMODITIES

Correction

In Federal Register Doc. 51-4594, published at page 3387 of the issue for Wednesday, April 18, 1951, the references in section 4 to "Regional Administrator" should read "Regional Director".

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-19 as Amended April 26, 1951]

M-19—CADMIUM

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this amendment has been rendered impracticable due to the necessity for immediate action and because the order affects a large number of different trades and industries.

This amendment affects NPA Order M-19 as follows: It relaxes the limitations on the use of cadmium to permit cadmium plating of additional items in section 5, and makes certification unnecessary in connection with delivery of subassemblies which are ready for assembly into final end-products. As so amended, NPA Order M-19 reads as follows:

Sec.

1. What this order does.
2. Definitions.
3. Use of cadmium.
4. Production of cadmium-containing items.
5. Production of cadmium-plated products.
6. Delivery of cadmium, cadmium-containing items, or cadmium-plated products.
7. Defense orders for cadmium-containing items and cadmium-plated products.
8. Inventories.
9. Applications for adjustment or exception.
10. Records and reports.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. What this order does. This order controls deliveries of cadmium from a producer or distributor. The order also states the purposes for which cadmium, cadmium-containing items, and cadmium-plated items may be produced. In addition, the order imposes inventory controls on cadmium.

SEC. 2. Definitions. As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons,

and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Cadmium" means all grades of metallic cadmium, oxide, or plating salts produced directly from ores, concentrates, or other primary materials, or re-distilled, remelted, or otherwise recovered from cadmium scrap or any secondary cadmium-bearing material; and cadmium-bearing materials suitable for the manufacture of pigments.

(d) "Distributor" means any person regularly engaged in the business of buying cadmium and selling the same in forms suitable for general fabrication or electroplating. It also includes laboratory supply houses to the extent they are engaged in buying and selling cadmium in any form to laboratories.

SEC. 3. Use of cadmium. No person may use any cadmium in any fashion except to produce the cadmium-containing items listed in section 4 of this order or to produce an electroplated coating on the products listed in section 5, and then only to the extent necessary to meet applicable specifications or for the proper service performance of the end-products. Notwithstanding the foregoing, a person may use cadmium in laboratories for research, control, analysis, synthesis, assaying, or educational work. The provisions of sections 4, 5, and 6 do not prohibit the completion of items containing cadmium or cadmium-plated products not listed in sections 4 or 5 if they were in the process of manufacture on or before January 1, 1951, and such completion is effected not later than January 31, 1951.

SEC. 4. Production of cadmium-containing items. No person shall produce any cadmium-containing item except those listed in paragraphs (a) through (p) of this section, and then only for the purposes and subject to the qualifications set forth in said paragraphs (a) through (p):

- (a) Pigments for the following:
 - (1) Luminescent paint for military uses.
 - (2) Luminescent printing ink for military uses.
 - (3) Luminescent paper for military and Government Printing Office uses.
 - (4) Luminescent plastic for military uses.
 - (5) Signal and illuminating glassware for safety, religious, military, and industrial uses.

- (6) Thermometer tubing.
- (7) Rubber sea buoys.
- (8) Dental purposes.
- (9) Artists' colors.
- (10) X-ray fluoroscopic screens for medical purposes.

(11) Luminescent coatings for cathode ray tubes, except tubes to be used in signs, lighting fixtures, or lamps.

(12) Pigments for all other purposes: *Provided, however,* That no person shall use in any one month in the production of pigments for such other purposes a quantity of cadmium by weight in excess of 40 percent of his average monthly use of cadmium for such purposes during the base period.

(b) Silver brazing alloys containing no more than 19 percent by weight of cadmium (except that silver solder containing not in excess of 95 percent cadmium may be used where centrifugal stresses are encountered at operating temperatures over 500° F.).

(c) Copper-base alloys containing no more than 1.25 percent by weight of cadmium for the following:

(1) Current carrying parts of electrical current interruption devices to the extent that sufficient contact pressure cannot be maintained in service with other less critical materials.

(2) Parts inside electronic tubes.

(3) Resistance welding electrodes.

(4) Overhead electrical contact wire in railroad (including industrial and mines), streetcar, and trolley bus systems.

(5) Multistrand railroad signal bond wire.

(6) Shunt wire leads for motors and generators.

(7) Flexible terminals of resistors, condensers, and field coils.

(d) Low melting point alloys for the following:

(1) Dry-type rectifier elements.

(2) Fire protective systems, safety devices, and electrical fuses.

(3) Plugs for screwless fasteners in rimless metal spectacles.

(4) Dental use.

(5) Seals between brass and glass parts of liquid high voltage fuses.

(e) Low melting point alloys containing no more than 10 percent by weight of cadmium for the following:

(1) Plastic fire control instruments for the mounting of optics.

(2) Gold alloy for gold-filled spectacle frames.

(3) The manufacture of inspection gauges.

(4) Bending of thin wall tubes.

(5) Bending of finished roll-formed and extruded shapes.

(f) Low melting point alloys containing no more than 6.5 percent by weight of cadmium for the following:

(1) Anchorage of punch press dies and bushings in drill jigs.

(2) Location of control points and surfaces (except floor grouting) in construction of fixtures.

(g) Zinc-base alloys, containing no more than 0.5 percent by weight of cadmium, for rolling.

(h) Type metal containing no more than 0.5 percent by weight of cadmium.

(i) Lead-base alloys, containing no more than 3 percent by weight of cadmium, for the coating of copper wire.

(j) Items classified as secret, to the extent that certification of engineering necessity accompanies orders issued by the military services of the United States, the Atomic Energy Commission, or the United States Coast Guard.

(k) Standard cells.

(l) Electrolytic testers for storage batteries.

(m) Cadmium-impregnated carbon or cadmium-silver alloys for use as contacts in electric current interruption devices.

(n) Bearings for rolling mills and heavy duty diesel engines.

(o) Cadmium chemicals for any use other than the manufacture of pigments or for use in the manufacture of pigments permitted under paragraph (a) of this section. The manufacturer of cadmium chemicals may sell such chemicals without requiring the certificate called for in section 6; *Provided, however*, No person may sell such chemicals if he knows or has reason to know that they will be used in the manufacture of pigments not permitted by paragraph (a) of this section.

(p) Copper tinsel wire containing not more than 1 percent cadmium by weight.

SEC. 5. Production of cadmium-plated products. No person shall produce any cadmium-plated product except those listed in paragraphs (a) through (y) of this section and then only for the purposes and subject to the qualifications set forth in said paragraphs (a) through (y):

(a) Functional parts which in service are subjected to frequent and extended periods of intermittent immersion in sea water or wet sprays of sea water to the extent that other finishes cannot be used for reasons of close tolerance or performance.

(b) Heddles and pin boards used in textile plants to the extent that corrosive action makes the use of other materials impracticable.

(c) Ferrous hardware parts in direct contact with fabric or leather to be used on the following:

(1) Aircraft parachutes.

(2) Aircraft safety belts.

(3) Aircraft shoulder harnesses.

(4) Aircraft bomb slings.

(d) Moving parts which require close tolerances for proper functioning and on parts adjacent to such moving parts to the extent that the tolerances cannot be maintained in service with other finishes because of mechanical or electrical interference by the products of corrosion or wear.

(e) Operating parts of electric controllers and switches.

(f) The following ferrous parts which in service reach a temperature of 500° F. or higher and on parts in contact with such ferrous parts:

(1) Aircraft parts requiring corrosion protection.

(2) Functional parts subject to the combined effect of corrosion and stress.

(g) Parts which serve to maintain an electrical contact for the suppression of radio interference to the extent that one of the contacted surfaces is aluminum, magnesium, or their alloys.

(h) Electrical contact parts of aircraft ignition harnesses and propeller hubs.

(i) Parts of electrical equipment to the extent that they, for performance reasons, must be soldered with the use of non-corrosive fluxes and where other finishes do not provide required corrosion protection.

(j) The following parts of electronic equipment:

(1) Surfaces involved in unsoldered butt joints which must remain constant in electrical or radio frequency resistance or both.

(2) Surfaces which require good conductivity for radio frequency current.

(3) Non-ferrous parts in contact with aluminum parts for prevention of electrolytic corrosion.

(k) Ferrous nuts, bolts, screws and other threaded parts, washers, hi-shear rivets, lock bolts, and cotter pins for use in aircraft.

(l) Nuts, bolts, machine screws, and studs having threads $\frac{3}{8}$ -inch diameter and smaller and/or having 16 or more threads per inch for use in ship construction by the United States Army and Navy, Maritime Administration, and the United States Coast Guard.

(m) Parts subject to frictional contact at least one of which is a moving part to the extent that other finishes of required thickness and corrosion protective value cause gouging, seizure, or binding.

(n) Parts which in service are subjected to the corrosive action of chlorine except on items which contact chlorine only during laundry operations.

(o) Parts of items classified as secret, to the extent that certification of engineering necessity accompanies orders issued by the military services of the United States, the Atomic Energy Commission, or the United States Coast Guard.

(p) Ferrous springs (including lock washers), and parts which of necessity have been assembled with such springs before the plating operation, to the extent that other finishes do not provide necessary corrosion protection during use, and where their application causes embrittlement of the spring which cannot be removed satisfactorily by low temperature heat treatment.

(q) Carburetor and magneto parts for aircraft engines, and parts of automotive and aircraft fuel pumps which come in contact with fuel.

(r) Hose clamps for aircraft.

(s) External parts of engines for combat aircraft, excluding attachments which are not integral parts of the engine proper, such as clips, clamps, lugs, and further excluding such parts on which alternative finishes have proven satisfactory in service and newly designed parts performing similar functions.

(t) Hydraulic fitting coupling sleeves made of copper-base alloys for use in aircraft.

(u) Electrical contact parts which touch parts of aluminum, magnesium, or their alloys.

(v) Threaded fittings of gray and malleable iron to the extent that other finishes do not provide required corrosion protection and tolerance.

(w) Synthetic yarn and cotton twisters.

(x) High carbon wire for carding.

(y) Aircraft battery hold-down bars.

SEC. 6. Delivery of cadmium, cadmium-containing items, or cadmium-plated products. (a) Commencing on April 1, 1951, no person may deliver cadmium or any cadmium-containing item or cadmium-plated product unless he obtains directly, or through a dealer, from the person who will receive delivery thereof a signed certification as follows:

The undersigned, subject to statutory penalties, certifies that the cadmium, cadmium-containing items, and cadmium-plated products herein ordered will be used by the undersigned only for the purposes and to the extent permitted by NPA Order M-19.

This certification constitutes a representation to the seller and to the National Production Authority that the cadmium, cadmium-containing items, and cadmium-plated products delivered will be used only for purposes permitted by this order and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

(b) The provisions of this section will not apply to deliveries of: (1) Cadmium to any agency of the United States for its stockpile of strategic materials; (2) cadmium, cadmium-containing items, or cadmium-plated products for purposes of resale only; (3) cadmium-containing items or cadmium-plated products in connection with retail sales; or (4) finished subassemblies ready for assembly by purchaser into final end-product.

SEC. 7. Defense orders for cadmium-containing items and cadmium-plated products. Notwithstanding the provisions of NPA Reg. 2 which establishes a priorities system, unless otherwise directed by the National Production Authority, rated orders calling for cadmium-containing items or cadmium-plated products are subject to the provisions of sections 4, 5, and 6 of this order.

SEC. 8. Inventories. No person obtaining cadmium, cadmium-containing items, or cadmium-plated products for any purpose may receive or accept delivery of a quantity of such materials if his inventory is, or by such receipt would become, in excess of that necessary to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation during the succeeding 30-day period. NPA Reg. 1, relating to inventory control, will apply to such materials except as otherwise provided by this section.

SEC. 9. Applications for adjustment or exception. (a) Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) To enable the National Production Authority to evaluate applications for adjustment or exception in cases where it is not practicable to substitute other less scarce materials for cadmium, such applications in the form of requests

for authorization to use cadmium for purposes not permitted by this order should be forwarded to the National Production Authority by letter, in duplicate, setting forth the following information:

(1) Period of time, not exceeding 6 months, for which adjustment is requested.

(2) Quantity of cadmium applicant proposes to consume monthly (i) for purposes permitted by this order and (ii) for purposes covered by the application, stating the sources from which the latter cadmium will be obtained.

(3) Description (and for cadmium-containing alloys, the alloy composition), function, specification number, and cadmium requirement of each part or of each group of parts fulfilling related functions.

(4) The "DO" symbol, if the order or contract bears a "DO" classification.

(5) Justification, including reasons why substitutes are not satisfactory; e. g., faulty performance, lack of facilities, or shortage of manpower.

(6) Such other information as the applicant may wish to submit.

SEC. 10. Records and reports. (a) Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act. (Public Law 831, 77th Cong., 5 U. S. C. 133-139F)

SEC. 11. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M-19.

SEC. 12. Violations. Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order, as amended, shall take effect, except as otherwise specifically stated, on April 26, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4983; Filed, Apr. 26, 1951;
2:19 p. m.]

[NPA Order M-49 as Amended April 29, 1951]

M-49—COLUMBIUM AND TANTALUM

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives, and consideration has been given to their recommendations. However, in the formulation of this order, as amended, consultation with representatives of all trades and industries affected in advance of its issuance has been rendered impracticable by the fact that the order affects a large number of different trades and industries, and because of the necessity for immediate action.

This amendment affects NPA Order M-49, dated March 15, 1951, by amending sections 5 (c) and 7; by redesignating section 10 as section 10 (b) and adding a new paragraph designated as (a) to said section 10. As so amended NPA Order M-49 reads as follows:

Sec.

1. What this order does.
2. Definitions.
3. Relation to other regulations and orders.
4. Substitution required.
5. Allocation authorization required.
6. Exceptions to allocation requirements.
7. Limitations on inventory.
8. Records to be kept.
9. Audit and inspection.
10. Reports.
11. Applications for adjustment or exception.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply sec. 101, Pub. Law 774, 81st Cong.; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61.

SECTION 1. What this order does. The purpose of this order is to conserve and to provide for the distribution and use of "columbium and tantalum," as hereinafter defined, so as best to serve the interests of the national defense program and of defense supporting activities. It makes "columbium and tantalum" subject to allocation. It prohibits, subject to certain exceptions, deliveries of "columbium and tantalum," except by authorizations to be issued monthly by the National Production Authority (hereinafter called "NPA").

SEC. 2. Definitions. As used in this order: (a) "Person" means any individual, corporation, partnership, associa-

tion, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Columbium and tantalum" means and includes ferrocolumbium, ferrotantalum, and ferrocolumbium-tantalum.

SEC. 3. Relation to other regulations and orders. The provisions of this order supersede NPA Order M-3 and all other NPA regulations and orders to the extent that they are in conflict herewith, but in all other respects such regulations and orders continue in full force and effect. The NPA may, from time to time, issue directives as to deliveries or use of "columbium and tantalum" and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 4. Substitution required. No person, whether pursuant to a DO rated order or otherwise, shall incorporate any "columbium and tantalum" into any product or material in any case in which the incorporation of a substitute or substitutes will meet the requirements for use to be made of any such product or material.

SEC. 5. Allocation authorization required. (a) After April 1, 1951, no person shall deliver, accept delivery of, or use "columbium and tantalum" in any month except in accordance with the terms of an allocation authorization issued for such month by NPA in accordance with this section. In the case of a person who keeps separate inventory records for any separate operating or producing units, each such separate operating or producing unit shall be deemed a person for purposes of this section.

(b) NPA may, from time to time, allocate the supply of "columbium and tantalum" and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses may be made or withheld. Any person seeking to place a purchase order for "columbium and tantalum" may be required to place the same with one or more particular suppliers.

(c) An application for an allocation must be filed with NPA by the applicant on Forms NPAF-15 and NPAF-41, not later than the seventh day of the month preceding the month in which delivery is sought. Such application must furnish all information required by said forms.

(d) The authorization allocation (Form NPAF-41) issued will be sent by NPA to the appropriate supplier or suppliers and a copy furnished to the purchaser. The authorization will require a supplier to make delivery to the extent of the purchaser's orders within the limits of the authorization.

SEC. 6. Exceptions to allocation requirements. The provisions of section 5 of this order shall not apply to:

(a) Deliveries to the General Services Administration, or any other duly authorized governmental agency, for the purpose of stockpiling.

(b) Deliveries to any person whose total receipts from all sources during the current calendar month are not thereby made to exceed 10 pounds of contained

"columbium and tantalum," and who delivers a signed certification to his supplier as follows:

Certified under M-49

Such certification constitutes a representation to the supplier and to the NPA that the purchaser is authorized under the provisions of this order to accept delivery of "columbium and tantalum" as permitted hereby, and that his receipt of the shipment in the amount requested, during the month of specified delivery, will not bring his total receipts of "columbium and tantalum" during that month above 10 pounds (columbium and tantalum content).

(c) Deliveries of columbium- and tantalum-bearing scrap: *Provided*, That any such scrap which is fit for re-melting must be disposed of in such a manner that it will be used in the production of columbium- and tantalum-bearing steel.

(d) Deliveries of columbium- and tantalum-bearing ores and concentrates by any producer, dealer, or processor.

(e) Deliveries of the pure metal tantalum or columbium in any amount.

SEC. 7. Limitations on inventory. No person shall place an order for "columbium and tantalum" calling for delivery, and no person shall accept delivery of "columbium and tantalum" at a time when his inventory exceeds, or by acceptance of such delivery, would be made to exceed 45 days' requirements at his then scheduled rate and method of operation. Any person who, on the effective date of this order or at any other time, has outstanding orders for "columbium and tantalum" calling for delivery earlier or in quantities greater than he would be permitted to receive under this section, shall forthwith notify his supplier of the extent to which delivery cannot be accepted as scheduled, and such orders shall be adjusted accordingly. Imported as well as domestic "columbium and tantalum," except when such imported "columbium and tantalum" has been purchased for resale, is subject to this section and so is to be included in computing inventory as aforesaid. "Columbium and tantalum" which has been subjected to minor processing, but has not yet been actually incorporated into a finished or partially finished product, is likewise to be included in computing inventory. This section is applicable irrespective of whether or not any such orders or deliveries are made in accordance with an allocation authority.

SEC. 8. Records to be kept. Each person participating in any transaction covered by this order shall retain in his possession for at least 2 years records of receipts, deliveries, inventories, and use, in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

SEC. 9. Audit and inspection. All records required by this order shall be made

available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

SEC. 10. Reports. (a) Every person who at any time in a calendar month had in his possession or under his control or who, during a calendar month, consumed more than 10 pounds of columbium and tantalum shall report to NPA on Form NPAF-15 on or before the seventh day of the following month. However, if he applies on such form for an allocation of columbium and tantalum for delivery during a succeeding month, his application serves also as the required report.

(b) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act (5 U. S. C. 139-139F).

SEC. 11. Applications for adjustment or exception. Any person affected by any provision of this order may file a request for an adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In considering requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. Communications. All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M-49.

SEC. 13. Violations. Any person who willfully violates any provision of this order or any other order or regulation of the National Production Authority, or who willfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on April 26, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4984; Filed, Apr. 26, 1951;
2:19 p. m.]

Chapter X—Defense Solid Fuels Administration, Department of the Interior

[Solid Fuels Order 2]

SFO 2—DIRECTIVES FOR SPECIFIC SHIPMENTS OF SOLID FUELS

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, it was impracticable to consult with industry representatives because the order merely makes provision for the issuance of specific directives for the delivery of solid fuels in individual cases as the needs of the national defense may require.

Sec.

1. What this order does.
2. Definitions.
3. Directives.
4. Compliance with directives.
5. Exemption from damages or penalties.
6. Adjustments and exceptions.
7. Reports and records.
8. Violations.
9. Communications.

AUTHORITY: Sections 1 to 9 issued under sec. 704, Pub. Law 774, 81st Cong., sec. 101, E. O. 10161, Sept. 9, 1950 (15 F. R. 6105); sec. 2, E. O. 10200, Jan. 3, 1951 (16 F. R. 61); DPA Del. 1, Jan. 24, 1951 (16 F. R. 738), as corrected February 5, 1951.

SECTION 1. What this order does. This order establishes procedures for the issuance, from time to time as necessary, by DSFA of directives requiring or forbidding specific deliveries or shipments of solid fuels by or to any person.

SEC. 2. Definitions: As used in this order:

(a) "DSFA" means Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.

(b) "Solid Fuels" includes all forms of anthracite, bituminous, sub-bituminous and lignitic coals, and coke.

(c) "Person" means any individual, firm, partnership, corporation, association, or any other form of entity, public or private.

SEC. 3. Directives. Whenever it finds it to be necessary in the interest of the national defense, DSFA may issue directives requiring or forbidding specified shipments or deliveries of solid fuels. Any such directive shall set forth therein:

(a) The name and address of the person to whom it is directed:

(b) The quantity and kind of solid fuels directed to be shipped:

(c) The name and address of the person to whom the solid fuels shall be shipped; and

(d) If the directive contains a requirement to divert shipments, the name and address of the person from whom the shipment will be diverted.

Such directives may be sent by mail or by telegram. Copies thereof shall be sent to all persons named therein.

SEC. 4. Compliance with directives. When a person receives a directive, he shall comply with it fully and completely. If he is unable, for any reason,

to so comply, he shall promptly notify DSFA by registered mail or telegram, or as otherwise directed in the directive, setting forth the reason for such inability. Any shipment made under any such directive shall be on terms mutually satisfactory to the shipper and purchaser, but in no event shall the price exceed the lawful ceiling price and charges for the solid fuels shipped.

SEC. 5. Exemption from damages or penalties. No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of any directive issued under this order.

SEC. 6. Adjustments and exceptions. Any person affected by any provision of this order, or by any directive issued hereunder, may file with DSFA a request for adjustment or exception upon the ground that its enforcement against him would be unduly prejudicial and not in the interest of the national defense. In considering any such request, consideration will be given to the requirements of the defense program and the public health and safety.

SEC. 7. Reports and records. Each person participating in any transaction ordered by a directive issued under this order, shall promptly notify DSFA in writing as to whether the terms of the directive have been complied with. Each such person shall also retain in his possession for at least two years records of each shipment or receipt of solid fuels shipped pursuant to such directive. All such records shall be made available at such persons' usual place of business for inspection and audit by duly authorized representatives of DSFA.

SEC. 8. Violations. Any person who wilfully fails to comply with the provisions of this order or with any directive issued under this order, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order or any directive issued pursuant to this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of solid fuels or using facilities under priority or allocation control and to deprive him of priorities assistance.

SEC. 9. Communications. All communications concerning this order or any directive issued pursuant to this order shall be addressed to "Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C."

This order shall take effect on April 30, 1951.

DEFENSE SOLID FUELS
ADMINISTRATION,
CHAS. W. CONNOR,
Defense Solid Fuels Administrator.

[F. R. Doc. 51-5051; Filed, Apr. 27, 1951;
12:12 p. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (c), entitled *Speed*, of § 20.5, entitled *Mount Rainier National Park*, is amended to read as follows:

(c) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) On curves which are posted as dangerous, 15 miles per hour.

(2) Over that portion of U. S. Highway No. 410 from the north park boundary to its junction with the East Side Road at Cayuse Pass, 50 miles per hour.

(3) Over roads other than that portion of U. S. Highway No. 410 mentioned in subparagraph (2) of this paragraph, 35 miles per hour unless a lower maximum permissible speed is posted.

(4) Trucks of a ton and one-half capacity or over, 30 miles per hour.

(5) Cars towing trailers or other cars or vehicles of any kind, 30 miles per hour.

2. Paragraph (b), entitled *Fishing*, of § 20.7, entitled *Rocky Mountain National Park*, is amended to read as follows:

(b) *Fishing.* (1) Along the eastern shores of Shadow Mountain Lake and the Granby Reservoir fishing shall be done in conformity with the laws and regulations of the State of Colorado only.

(2) Elsewhere in the Park, fishing shall be done in conformity with the laws and regulations of the State of Colorado regarding hours for fishing, minimum size limits, and the method of handling and returning undersized fish to the water: *Provided, however,* That the following additional restrictions shall be applicable:

(i) The open season for fishing shall begin with the opening date set by the State of Colorado for areas adjacent to the Park and shall end at sunset on September 30.

(ii) The use of seines, throw lines, set lines, or any other method of catching fish, except by rod and line held in the hand, is prohibited.

(iii) The use of minnows, small fish, or eggs, of any kind or type as bait, or the release or freeing thereof in any of the waters is prohibited.

(iv) The number of fish that may be taken by any person in any one day is limited to 10 fish (not exceeding a total of 10 pounds). The possession of more than one day's catch by any person at any one time is prohibited.

(v) Fishing in rearing ponds or other posted waters is prohibited.

(vi) Tonahutu Creek is closed to fishing for a distance of 3 miles upstream from the park boundary.

3. Section 20.13 entitled *Yellowstone National Park*, is amended as follows:

a. Subparagraph (2) of paragraph (b), entitled *Speed*, is amended to read as follows:

(2) On the Norris Junction-Canyon Junction road and the Mammoth-North Entrance road, 30 miles per hour.

b. Paragraph (e), entitled *Fishing*, is amended as follows:

Subdivision (1) of subparagraph (2), entitled *Limited open season*, is amended to read as follows:

(1) All streams emptying into Yellowstone Lake, including the mouths of such streams, the Yellowstone River and its tributaries from a point 10 yards above Fishing Bridge to the Upper Falls at Canyon are open to fishing from sunrise on July 1 to sunset on October 15: *Provided, however*, That fishing is prohibited in Yellowstone River for a distance of 250 yards on either side of the center of Yellowstone Cascades.

Subparagraph (5) entitled *Limit of catch and in possession*, is amended to read as follows:

(5) *Limit of catch and in possession.* The limit of catch per day by each person fishing, and the limit of fish in possession at any one time by any one person, shall be 10 pounds of fish (dressed weight with heads and tails intact), plus one fish, not to exceed a total of 5 fish.

Subdivision (ii) of subparagraph (6), entitled *Restriction on use of bait*, is amended to read as follows:

(ii) Only artificial flies, with a single hook, may be used as lures in the Fire-hole River, Madison River, Squaw Lake, and that section of the Gibbon River extending from the mouth of the stream to the crest of Gibbon Falls. The use of any lures, other than artificial flies, in these waters is prohibited.

4. Subparagraph (1), entitled *Open season*, of paragraph (a), entitled *Fishing*, of § 20.16, entitled *Yosemite National Park*, is amended to read as follows:

(1) *Open season.* The open season for fishing within the Park shall begin with the opening date set by the California State Fish and Game Commission for areas adjacent to the Park and shall end one hour after sunset on October 15.

5. Paragraph (b), entitled *Fishing*, of § 20.22, entitled *Grand Teton National Park*, is amended to read as follows:

(b) *Fishing.* (1) Snake River for a distance of 135 feet from the lower face of the Jackson Lake Dam and Cottonwood Creek from a point 100 feet above the Boat Dock at the outlet of Jenny Lake to a point 100 feet below the CCC Bridge behind the Jenny Lake Store are closed at all times to fishing. All other waters within the Park (Drainage Area 1) shall be open to fishing from July 1 to October 31, inclusive, with the following exceptions:

(i) The First, Second, and Third Creeks, Spring Creek, Teton Lodge Ponds, Swan Lake at Moran, Broman

McKinstry and Two Ocean Creek, J O Ponds, Moose Ponds, Beaver Ponds, Sawmill, Huckleberry and Schoolhouse Ponds, Jenny, String, Leigh, and Phelps Lakes, and the Farrel and Allen Budge Ponds will open May 1 and close October 31.

(ii) Jackson Lake shall be open during the calendar year except during the period from September 10 to October 31, inclusive.

(2) Only one artificial fly or lure such as a spinner, wobbler or plug with a single hook may be used, except in Jackson Lake where one multiple hook may be used. Dead minnows may be used also in Jackson Lake only.

(3) With the exception of Jackson Lake where the limit of catch and possession limit for any person per day is six fish, the limit of catch per person per day elsewhere in the Park is six fish and a possession limit of not more than two days' catch.

(4) The seining or trapping of fish in the Park is prohibited, except by special permission of the Superintendent.

(5) Use of rafts or boats propelled by any type of motor is prohibited on Leigh Lake and the use of rafts or boats of any type is prohibited within 500 feet of the lower face of Jackson Lake Dam.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 20th day of April 1951.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 51-4900; Filed, Apr. 27, 1951; 8:49 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR, Part 18]

MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 18 of the Civil Air Regulations as herein-after set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by May 31, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of the communications received will be available after June 5, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Part 18 establishes rules and procedures for the maintenance,

repair, and alteration of certificated aircraft, aircraft engines, propellers, and instruments and describes the various operations constituting routine maintenance, repairs, and alterations.

On December 9, 1949, there was circulated for public comment a proposed revision of this part. As a result of our consideration of the comments received, we have made major changes in the proposed regulatory plan in this field. It is our opinion that the revised proposal published herein meets basic industry conditions and needs as indicated in response to our previous notice of proposed rule making. However, we believe it desirable, under current circumstances, to resubmit our revised proposals for public comment so that we may be fully advised of the adverse effect, if any, of this proposal on the ability of the agencies and individuals affected to do the important work in support of our defense effort to which so many of them are now assigned.

The revision hereby proposed restates and clarifies the standards for the performance of maintenance, repair, and alteration of any certificated aircraft or component thereof. It also sets forth the classes of persons authorized to perform and to approve maintenance, repair, and alteration operations, and describes the required records.

The revised part, with certain exceptions, provides that only certificated mechanics, persons operating under the supervision of certificated mechanics, or repair stations shall be authorized to work on aircraft or aircraft components. The pertinent exceptions are pilots who will be authorized to perform certain preventive maintenance functions on their personally owned aircraft¹ and manufacturers who will be permitted to rebuild or alter their own products, without obtaining repair station certificates, when utilizing the same personnel and processes as are used in the current manufacture of the same or closely related products. In addition, except as hereinbefore indicated as permissive work by manufacturers, the part restricts the performance of work on instruments and the making of major repairs and alterations on propellers to appropriately rated repair stations. (See proposed Part 52, F. R. Doc. 51-4922,

¹ Preventive maintenance is defined to mean simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations. It is anticipated that the Administrator will publish, as part of Civil Aeronautics Manual 18, the various operations constituting preventive maintenance of the several types of aircraft.

promulgated concurrently herewith for new requirements for certification of repair agencies.)

We are also requiring that an aircraft be flight tested only after it has undergone major repair or major alteration operations, thus eliminating the requirement that an aircraft be test flown after it has undergone maintenance, minor repair, or minor alteration operations. Further, we are deleting the requirement now contained in § 18.12 that a private pilot shall have at least 200 hours of pilot time before being eligible to conduct a flight test on aircraft after certain repairs or alterations, because this requirement has, in effect, been superseded by the more recently adopted provisions of § 43.21 which contains no such requirement.

The proposed revision of Part 18 is set forth below.

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 302, 601-610, 52 Stat. 985, as amended, 1007-1012, as amended; 49 U. S. C. 452, 551-560)

Dated April 23, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

§ 18.0 *Applicability of this part.* This part establishes rules for the performance of maintenance, repair, and alteration of aircraft for which airworthiness certificates have been issued by the Administrator, or any component thereof.*

§ 18.1 *Definitions.* (a) As used in this part, the words listed below shall be defined as follows:

(1) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation or flight in the air, including airframe, powerplant, propeller, and appliances.

(2) *Airframe.* Airframe shall mean all parts of an aircraft less powerplant, propeller, and appliances.

(3) *Alteration.* An alteration shall mean any appreciable change in the design of an airframe, powerplant, propeller, or appliance.

(4) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic

devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(5) *Approved.* Approved, when used either alone or as modifying such words as aircraft, airframe, powerplant, propeller, appliances, methods, or techniques, shall mean approved by the Administrator of Civil Aeronautics in accordance with the applicable requirements of the Civil Air Regulations.

(6) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration, or any private person authorized by the Administrator to perform any of the duties delegated to the Administrator by the provisions of this part.

(7) *Certificated mechanic.* A certificated mechanic shall mean a mechanic holding a mechanic certificate with appropriate ratings issued by the Administrator.

(8) *Certificated repair station.* A certificated repair station shall mean a repair station holding a repair station certificate with appropriate ratings issued by the Administrator.

(9) *Component.* A component shall mean a constituent part of an aircraft.

(10) *Maintenance.* Maintenance, which includes preventive maintenance, shall mean the inspection, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

(11) *Major alteration.* A major alteration of an aircraft or any component thereof shall mean

(i) An alteration which results in an appreciable change in its weight, balance, structural strength, powerplant operation, or flight characteristics, or an alteration which creates a possible hazard, or

(ii) An alteration which cannot be executed by means of elementary operations.

(12) *Major repair.* A major repair to an aircraft or any component thereof shall mean a repair the accomplishment of which might affect the basic structure and/or the performance of an aircraft or any component thereof.

(13) *Manufacturer.* A manufacturer shall mean any person who

(i) Holds a production certificate for an aircraft, airframe, powerplant, propeller, or appliance and manufactures such aircraft, airframe, powerplant, propeller, or appliance in accordance with the terms of such production certificate, or

(ii) Manufactures an appliance in accordance with the terms and specifications of an applicable Technical Standard Order issued by the Administrator.

(14) *Minor alteration.* A minor alteration of an aircraft or any component thereof shall mean an alteration other than a major alteration, including any alteration which can be executed by means of elementary operations.

(15) *Minor repair.* A minor repair shall mean any repair other than a major repair.

(16) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(17) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, less propeller.

(18) *Preventive maintenance.* Preventive maintenance shall mean simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

(19) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft.

(20) *Repair.* Repair shall mean the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

(21) *Type.* Type shall mean all aircraft of the same basic design, including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

PERFORMANCE RULES

§ 18.10 *Standard of performance; general.* All maintenance, repair, and alterations shall be accomplished in accordance with approved methods, techniques, and practices.

§ 18.11 *Standard of performance; maintenance and repair.* All maintenance and repair shall be accomplished in such a manner and the materials used shall be of such quality and strength that the condition of the part of the aircraft on which such work has been performed shall, with regard to aerodynamic and mechanical function, structural strength, resistance to vibration and deterioration, and other qualities affecting airworthiness, be at least equivalent to its original or properly altered condition.

§ 18.12 *Standard of performance; alterations.* All alterations shall be so designed and accomplished that the altered airframe, powerplant, propeller, or appliance will comply with the airworthiness requirements for the airframe, powerplant, propeller, or appliance.³

§ 18.13 *Persons authorized to perform maintenance, preventive maintenance, repair, and alterations.* (a) Except as

³For those major alterations for which it would be desirable to secure prior approval by the Administrator, refer to CAM 18.

⁴The Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission require that all transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station licensed by the Federal Communications Commission, which may affect the proper operation of such station shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class radio operator license issued by the Federal Communications Commission, either radiotelephone or radiotelegraph, as may be appropriate for the class of station concerned, who shall be responsible for the proper functioning of the station equipment.

*The Administrator will publish Civil Aeronautics Manual 18 which sets forth a list of operations considered to be maintenance (including preventive maintenance), repair, and alteration. This manual may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

provided in paragraphs (b) and (c), of this section no person shall perform maintenance, preventive maintenance, repair, or alterations on civil aircraft of United States registry.

(b) An appropriately rated certificated mechanic, a person who works under the direction supervision of such a mechanic, or an appropriately rated repair station may perform maintenance, preventive maintenance, repair, and alterations on aircraft or aircraft components for which rated as provided in Parts 24 and 52 of this chapter, respectively: *Provided*, That instrument repair and alterations and propeller major repair and major alterations, except where rebuilt or altered by the original manufacturer, shall be performed only by a certificated repair station having the proper rating.

(c) A certificated pilot may perform, on aircraft owned or operated by him, such preventive maintenance as may be authorized by the Administrator.

(d) A manufacturer may rebuild or alter a product when such work is performed in the same manner and by the same personnel as are engaged in the current manufacture of the same or closely related products. In all other cases a manufacturer shall be subject to the requirements of paragraph (b) of this section.

§ 18.14 Persons authorized to approve maintenance, repair, and alterations.

(a) Any airframe, powerplant, propeller, or appliance which has undergone maintenance, minor repair, or minor alteration may be approved and returned to service by any person authorized to perform such work or by an appropriately rated certificated repair station.

(b) No airframe, powerplant, propeller, or appliance, which has undergone any major repair or major alteration shall be returned to service until examined, inspected, and approved as airworthy by an authorized representative of the Administrator or, where the work has been performed by them, by certificated repair stations or original manufacturers of the airplane, powerplant, propeller, or appliance.

§ 18.15 *Flight tests*. When an aircraft has undergone any major repair or major alteration, such aircraft, prior to carrying passengers, shall be test flown by at least a private pilot appropriately rated for such aircraft. The pilot shall make a written notation in the aircraft repair and alteration records to the effect that he has flown such aircraft and has found the flight operation to be satisfactory.*

MAINTENANCE, REPAIR, AND ALTERATION RECORDS

§ 18.20 *Required records*. (a) A permanent record of every maintenance, repair, or alteration of any airframe, powerplant, propeller, or appliance shall

*See also Part 35 of this chapter for the limited privilege granted flight engineers.

*The objectives of the flight test and the technical qualifications which should be possessed by the test pilot will be found in CAM 18.

be kept. When major repairs and major alterations result in any change in the aircraft limitations or data contained in the aircraft flight manual, appropriate amendments shall be made thereto.

(b) No record of any preventive maintenance of any airframe, powerplant, propeller, or appliance need be kept.

§ 18.21 *Content of repair and alteration records*. (a) The record of all maintenance, repair, rebuilding, and alteration, of any airframe, powerplant, propeller, or appliance or the installation or removal of an appliance shall contain the information set forth in subparagraphs (1) through (4) of this paragraph:

(1) An adequate description of the work performed,

(2) The date of completion of the work performed,

(3) The name of the individual, repair station, or manufacturer performing the work,

(4) The signature, and if a certificated mechanic the certificate number, of the person approving as airworthy the work performed and authorizing the return of the aircraft or component to service.

§ 18.22 *Form and disposition of repair or alteration records*. (a) All major repairs and major alterations of an airframe, powerplant, propeller, or appliance shall be entered on a form prescribed by the Administrator. Such form shall be executed in duplicate; the original shall be delivered to the owner of the aircraft so repaired or altered, and a duplicate shall be delivered to the Administrator of Civil Aeronautics.

(b) The record of maintenance, minor repairs, and minor alterations of an airframe, powerplant, propeller, or appliance may be kept in any suitable form: *Provided*, That such form contains at least the information specified by § 18.21.

§ 18.23 *Records maintained by scheduled air carriers*. A scheduled air carrier may establish its own system for recording repairs and alterations: *Provided*, That the information specified in § 18.21 is furnished.

[F. R. Doc. 51-4924; Filed, Apr. 27, 1951; 8:55 a. m.]

[14 CFR, Part 24]

MECHANIC CERTIFICATES AND LIMITED MECHANIC CERTIFICATES WITH PROPELLER AND APPLIANCE RATINGS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 24 of the Civil Air Regulations and an extension of Special Civil Air Regulation SR-348.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board,

attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by May 31, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of the communications received will be available after June 5, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Part 24 establishes requirements for the certification and rating of aircraft mechanics and aircraft engine mechanics. It also provides that an individual, in order to return to service any aircraft or component thereof which has undergone any maintenance, repair, or alteration, is required to hold a mechanic certificate with an aircraft and/or an aircraft engine rating. However, Special Civil Air Regulation SR-348, effective until July 31, 1951, authorizes the issuance of limited mechanic certificates with propeller and aircraft appliance ratings to individuals who supervise the inspection, repair, or overhaul of propellers or appliances performed by manufacturers or certificated repair stations, and exempts such individuals from meeting the certificate requirements of Part 24. Thus, a limited mechanic is relieved from the requirements that he have a specified amount of experience and skill and accomplish successfully prescribed theoretical and skill examinations.

On December 9, 1949, there was circulated for public comment a proposed revision of this part. As a result of our consideration of the comments received, we have made major changes in the proposed regulatory plan in this field. It is our opinion that the revised proposal published herein meets basic industry conditions and needs as indicated in response to our previous notice of proposed rule making. However, we believe it desirable, under current circumstances, to resubmit our revised proposals for public comment so that we may be fully advised of the adverse effect, if any, of this proposal on the ability of the agencies and individuals affected to do the important work in support of our defense effort to which so many of them are now assigned.

The revision of Part 24 establishes requirements for the issuance of mechanic certificates and ratings for mechanics, delineates the privileges of such certificates, and establishes basic operating rules for the holders thereof.

In view of the almost unanimous adverse reaction from all industry segments to our original proposal to issue propeller, radio, instrument, and accessory ratings to individual mechanics, we have decided to provide standards for mechanic certificates with only airframe and powerplant ratings (corresponding exactly to current aircraft and engine ratings, respectively). However, in proposed Part 52 (F. R. Doc. 51-4922, *infra*) we have made provision for the issuance to repair stations of propeller, radio, instrument, and accessory ratings of several different classes, and in proposed Part 18 (F. R. Doc. 51-4924, *supra*), we have required that instrument repair and alterations and major propeller re-

pairs and alterations be performed by a certificated repair station. Part 52 makes the repair station responsible for the competence of its personnel directly in charge of its certificated activities, and provides for the designation as certificated airmen of individuals selected and warranted as competent by the repair station.

However, since Part 52 provides that its provisions shall not become applicable to a given repair station until a reinspection and issuance of a new certificate have been accomplished by the Administrator, we propose to extend the provisions of Special Regulation SR-343 for another year.

The revised part requires an applicant to take a practical examination appropriate to the rating sought. It is intended that this examination will be designed to permit an applicant to demonstrate that he possesses a well-rounded, basic knowledge of the work which the rating applied for authorizes him to perform. It is believed that all examinations serving to qualify an individual for a mechanic certificate should be conducted by the Administrator to insure that all applicants meet the same general standards.

We believe that current holders of mechanic certificates are able to meet these requirements, and we have, therefore, provided that these individuals may exchange such certificates for certificates issued in accordance with this part.

Revised Part 24 also specifies the recent experience requirements which must be met by each certificated mechanic before he is considered qualified to exercise the privileges of his certificate and ratings. These are similar to those currently contained in Part 24. Subject to these recent experience requirements, the holder of a certificate and rating could work on any category of aircraft without specific authorization therefor being endorsed on his certificate or rating.

Although the part does not provide for the issuance of mechanic certificates on the basis of competence gained while in the armed forces of the United States, the experience gained while in the armed forces may be credited toward the total experience required for a particular rating.

The proposed revision of Part 24 is set forth below.

This revision is proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 302, 601-610, 52 Stat. 985, as amended, 1007-1012, as amended; 49 U. S. C. 452, 551-560)

Dated: April 23, 1951, at Washington, D. C.

By the Bureau of Safety Regulation,
[SEAL] JOHN M. CHAMBERLAIN,
Director.

PART 24—MECHANIC CERTIFICATES

§ 24.0 *Applicability of this part.* This part establishes requirements for
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the issuance of mechanic certificates and ratings, delineates the privileges of such certificates, and establishes basic operating rules for the holders thereof.

§ 24.1 *Definitions.* (a) As used in this part, the words listed below shall be defined as follows:

(1) *Accessory.* An accessory shall mean an appliance other than an instrument, radio, radar, or device for the automatic control of aircraft in flight.

(2) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

(3) *Airframe.* Airframe shall mean all parts of an aircraft less powerplant, propeller, and appliances.

(4) *Alteration.* An alteration shall mean any appreciable change in the design of an airframe, powerplant, propeller, or appliance.

(5) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(6) *Approved.* Approved, when used either alone or as modifying such words as aircraft, airframe, powerplant, propeller, appliance, methods, or techniques, shall mean approved by the Administrator of Civil Aeronautics in accordance with the applicable requirements of the Civil Air Regulations.

(7) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration, or any private person authorized by the Administrator to perform any of the duties delegated to the Administrator by the provisions of this part.

(8) *Certificated mechanic.* A certificated mechanic shall mean a mechanic holding a mechanic certificate with appropriate ratings issued by the Administrator.

(9) *Certificated repair station.* A certificated repair station shall mean a facility for the maintenance, repair, and alteration of airframes, powerplants, propellers, or appliances, holding a repair station certificate with appropriate ratings issued by the Administrator.

(10) *Component.* A component shall mean a constituent part of an aircraft.

(11) *Instrument.* An instrument shall mean a device utilizing internal mechanism to indicate visually or aurally the attitude, altitude, performance, or operation of an aircraft or any component thereof, and shall include radar instrumentation and devices for the automatic control of aircraft in flight.

(12) *Maintenance.* Maintenance, which includes preventive maintenance,

shall mean the upkeep and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

(13) *Major alteration.* A major alteration of an aircraft or any component thereof shall mean:

(i) An alteration which results in an appreciable change in its weight, balance, structural strength, powerplant operation, or flight characteristics; or

(ii) An alteration which cannot be executed by means of elementary operations.

(14) *Major repair.* A major repair to an aircraft or any component thereof shall mean a repair the accomplishment of which might affect the basic structure and/or the performance of an aircraft or any component thereof.

(15) *Minor alteration.* A minor alteration of an aircraft or any component thereof shall mean an alteration other than a major alteration, including any alteration which can be executed by means of elementary operations.

(16) *Minor repair.* A minor repair shall mean any repair other than a major repair.

(17) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, less propeller.

(18) *Preventive maintenance.* Preventive maintenance shall mean simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

(19) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft.

(20) *Radio.* Radio shall mean an appliance for the transmission and reception of signals by means of electric waves without a connecting wire.

(21) *Repair.* Repair shall mean the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

CERTIFICATION RULES

§ 24.5 *Application for certificate.* Application for certificates and ratings shall be made on a form and in a manner prescribed by the Administrator.

§ 24.6 *Issuance.* (a) Mechanic certificates and ratings shall be issued by the Administrator to applicants who meet the requirements of this part.

(b) Pending a review of an application and supporting documents by the Administrator and the issuance of a mechanic certificate and ratings, an authorized representative of the Administrator may, subject to such terms and conditions as the Administrator may specify, issue a temporary mechanic certificate with appropriate ratings to an applicant for a mechanic certificate and ratings who has met the requirements of this part.

§ 24.7 *Duration.* (a) A mechanic certificate and ratings shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, except that a certificate

issued to an individual other than a United States citizen shall remain in effect for only one year. After revocation, and upon request of the Administrator after suspension, the certificate shall be returned to the Administrator.

(b) A temporary mechanic certificate shall remain in effect for 90 days.

§ 24.8 *Outstanding mechanic certificates and ratings.* After the effective date of this part a person holding a mechanic certificate with an aircraft mechanic rating shall be deemed to hold a mechanic certificate with an airframe rating, a person holding a mechanic certificate with an aircraft engine mechanic rating shall be deemed to hold a mechanic certificate with a powerplant rating, and a person holding a mechanic certificate with aircraft mechanic and aircraft engine mechanic ratings shall be deemed to hold a mechanic certificate with both airframe and powerplant ratings. The Administrator may, in such form and manner as he may establish, require the exchange of outstanding certificates for certificates issued in accordance with the provisions of this part.

§ 24.9 *Display.* When issued to the individual, the mechanic certificate with appropriate ratings shall be in the personal possession of the mechanic at all times while exercising the privileges of such certificate, and shall be available for inspection by any authorized representative of the Administrator or the Board, or by any authorized State or local law enforcement officer.

§ 24.10 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a mechanic certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, Attention Airman Records Branch, Washington 25, D. C.

GENERAL CERTIFICATE REQUIREMENTS

§ 24.15 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal mechanic certificate privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 24.16 *Age.* An applicant shall be at least 18 years of age.

§ 24.17 *Education.* An applicant shall be able to read, write, speak, and understand the English language: *Provided*, That if an applicant is employed by a United States air carrier outside of the United States, such applicant shall not be required to meet this requirement, and in that event his certificate shall be appropriately endorsed by the Administrator.

§ 24.18 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate.

§ 24.19 *Reexamination after failure.* An applicant for a mechanic certificate who has failed any prescribed written or

practical examination or test may not apply for reexamination within a 30-day period unless he presents a statement signed by a certificated mechanic holding an appropriate rating, a certificated ground instructor, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for reexamination.

§ 24.20 *Application for additional rating.* An applicant for a rating subsequent to the original issuance of a mechanic certificate with appropriate rating shall meet the knowledge, experience, and skill requirements for the rating applied for.

§ 24.21 *Substantiation of experience.* An applicant shall submit evidence satisfactory to the Administrator to substantiate the experience qualifications for the mechanic certificate and rating applied for.

§ 24.22 *Ratings.* The following mechanic ratings shall be issued:

- (a) Airframe,
- (b) Powerplant.

MECHANICAL KNOWLEDGE, EXPERIENCE, AND SKILL REQUIREMENTS

§ 24.30 *Mechanical knowledge.* An applicant for a mechanic certificate with airframe or powerplant rating shall successfully accomplish a written and oral examination prescribed by the Administrator covering the construction, maintenance, repair, and inspection of the part of an aircraft appropriate to the rating sought, the provisions of this part, the applicable provisions of Part 43 of this chapter, and the provisions of Civil Aeronautics Manual 18.

§ 24.31 *Mechanical experience.* (a) An applicant for a mechanic certificate with either an airframe or powerplant rating shall have had at least 18 months of practical experience with the procedures, practices, materials, tools, machine tools, and equipment generally used in the inspection, maintenance, repair, and alteration of airframes or powerplants, respectively.

(b) The experience required for each rating shall be acquired in the exclusive performance of the duties appropriate to such rating: *Provided*, That an applicant for an airframe and a powerplant rating may be issued such ratings, if he has performed concurrently the duties appropriate to both such ratings for at least 30 months.

§ 24.32 *Graduates of certificated mechanic schools.* A graduate of a mechanic school holding an air agency certificate with appropriate ratings issued by the Administrator shall be deemed to have met the experience requirements of this part for a rating if, within 60 days after graduation, he presents an appropriate certificate of graduation and successfully accomplishes the examination prescribed by the Administrator for the rating sought.

§ 24.33 *Mechanical skill.* An applicant for a mechanic certificate with a particular rating shall, in a manner pre-

scribed by the Administrator, demonstrate his competency to maintain, repair, inspect, and alter any part of an aircraft for which a rating is sought.

PRIVILEGES AND LIMITATIONS OF A MECHANIC CERTIFICATE

§ 24.40 *Mechanic privileges; general.* A certificated mechanic may perform or supervise the maintenance, repair, inspection, and alteration of any part of an aircraft, or component thereof, for which he is rated, and may perform additional work in accordance with the privileges and limitations stated in §§ 24.41 and 24.42: *Provided*, That he shall not supervise the maintenance, repair, inspection, or alteration of or return to service any part of an aircraft, or component thereof, for which he is rated unless he has previously performed the particular operation involved.

§ 24.41 *Airframe rating.* A certificated mechanic with an airframe rating may release the airframe, or any component thereof, for service after maintenance, minor repair, or minor alteration has been accomplished thereon.

§ 24.42 *Powerplant rating.* A certificated mechanic with a powerplant rating may make minor repairs or minor alterations to a propeller, and may release the powerplant or propeller, or any component thereof, for service after maintenance, minor repair, or minor alteration has been accomplished thereon.

OPERATING RULES

§ 24.50 *General.* A certificated mechanic shall not exercise the privileges of his certificate and ratings unless he is familiar with the current manufacturers' instructions and the airworthiness manuals pertinent to the particular operation to be performed.

§ 24.51 *Recent experience requirements.* A certificated mechanic shall not exercise the privileges of his certificate and ratings unless he

(a) Has served as a mechanic under the terms of his certificate and ratings for at least 6 months during the preceding 24-month period, or

(b) Has satisfied an authorized representative of the Administrator that he is competent to perform the duties of such certificate and ratings.

[F. R. Doc. 51-4923; Filed, Apr. 27, 1951; 8:55 a. m.]

[14 CFR, Part 52]

REPAIR STATION CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 52 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board,

attention Bureau of Safety Regulation, Washington 25, D. C. All communications received by May 31, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of the communications received will be available after June 5, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Part 52 establishes requirements for the issuance of repair station certificates and ratings and basic operating rules for the holders thereof.

On December 9, 1949, there was circulated for public comment a proposed revision of this part. The only major change in this proposal is to establish repair station designation of personnel directly in charge of the maintenance, repair, alteration, or inspection of aircraft or aircraft components for which the station is rated as the requirement for certification as airmen in order to meet the statutory obligations of section 610 of the Civil Aeronautics Act of 1938, as amended. It is expected that the Administrator under Public Law 858 will authorize responsible officials of a repair station to issue individual certificates to qualified persons, or to certify such persons to the Administrator, for the duration of their employment at the repair station. Thus, it is believed that statutory requirements will be met without compromising the principle of organizational responsibility which we and the industry believe to be the best method of obtaining the most satisfactory work. This proposal is being recirculated for comment because of its close relationship to the proposals for revised Parts 18 and 24.

The most important innovations in the previously proposed revision of Part 52 are provisions for the issuance of repair station ratings for radio, instruments, and accessories, and for the issuance of ratings limited to the performance of specialized services. Under the terms of the proposed revision the following general ratings may be issued to repair stations: airframe, powerplant, propeller, radio, instrument, and accessory. In addition to these general ratings, a limited rating may be issued authorizing an applicant to work on some particular type of airframe, powerplant, etc., or to perform some specialized maintenance, repair, or overhaul function. Thus, an applicant may, if he so desires, apply only for the rating for which he is able to furnish the required facilities, equipment, materials, and personnel. An applicant for a powerplant rating would not, for example, have to be equipped to repair all powerplants, but may choose the horsepower limits within which he desires to work.

All applicants would be required to furnish housing, facilities, equipment, materials, and personnel adequate to perform competently the work authorized by the particular rating sought. The exact type and amount of such housing, facilities, equipment, materials, and personnel will, in all probability, vary in each instance. This proposal sets forth the main functions to be per-

formed by a repair station holding a particular rating. It is believed that these functions are stated in such terms as to permit an applicant and a CAA examining agent to determine jointly the facilities and equipment required to be furnished for a particular rating without resort, as under current regulations, to a detailed mandatory list of facilities and equipment. This provision also is designed to provide applicants with an incentive to provide more efficient methods of accomplishing the required functions.

The proposed revision of Part 52 is set forth below.

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 302, 601-610, 52 Stat. 985, as amended, 1007-1012, as amended; 49 U. S. C. 452, 551-560)

Dated: April 23, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

PART 52—REPAIR STATION CERTIFICATES

§ 52.0 *Applicability of this part.* This part establishes requirements for the issuance of repair station certificates and ratings and operating rules for the holders thereof.

§ 52.1 *Definitions.* (a) As used in this part, the words listed below shall be defined as follows:

(1) *Accessory.* An accessory shall mean an appliance other than an instrument, radio, radar, or device for the automatic control of aircraft in flight.

(2) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

(3) *Airframe.* An airframe shall mean all parts of an aircraft, less powerplant, propeller, and appliances.

(4) *All-metal construction.* All-metal construction, when that phrase is used to describe the composition of an airframe, shall mean that the structure of the airframe is made of metal only, irrespective of the kind of covering utilized.

(5) *Alteration.* An alteration shall mean any appreciable change in the design of an airframe, powerplant, propeller, or appliance.

(6) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(7) *Certificated air carrier.* A certificated air carrier shall mean an air carrier holding an air carrier operating certificate issued by the Administrator.

(8) *Certificated airman.* An individual designated by a repair station as directly in charge of the inspection, maintenance, overhaul, or repair of aircraft or aircraft components which the repair station is authorized to perform, and certificated by the Administrator in accordance with the requirements of this part.

(9) *Certificated mechanic.* A certificated mechanic shall mean a mechanic holding a mechanic certificate with appropriate ratings issued by the Administrator.

(10) *Certificated repair station.* A certificated repair station shall mean a facility for the maintenance, repair, and alteration of airframes, powerplants, propellers, or appliances, holding a repair station certificate with appropriate ratings issued by the Administrator.

(11) *Component.* A component shall mean any constituent part of an aircraft.

(12) *Composite construction.* Composite construction, when that term is used to describe the composition of an airframe, shall mean that the structure of the airframe is made of at least two types of substances, such as metal and wood.

(13) *Instrument.* An instrument shall mean a device utilizing internal mechanism to indicate visually or aurally the attitude, altitude, performance, or operation of an aircraft or any component thereof, and shall include radar instrumentation and devices for the automatic control of aircraft in flight.

(14) *Maintenance.* Maintenance shall mean the upkeep, inspection, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

(15) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(16) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, less propeller.

(17) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft.

(18) *Radio.* Radio shall mean an appliance for the transmission and reception of signals by means of electric waves without a connecting wire.

(19) *Repair.* Repair shall mean the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

(20) *Type.* Type of airframe, powerplant, propeller, or appliance shall mean an airframe, powerplant, propeller, or appliance of the same basic design, including all modifications thereto except those modifications which result in a change in the handling, flight, or operating characteristics.

GENERAL CERTIFICATIONS RULES

§ 52.5 *Application for certificate.* Application for a repair station certificate with appropriate ratings, and any modification or amendment thereof, shall be made on a form and in a manner prescribed by the Administrator.

§ 52.6 *Issuance.* A repair station certificate with appropriate ratings prescribing such operating specifications and limitations as may be reasonably required in the interest of safety will be issued to an applicant whom the Administrator finds is properly and adequately equipped and able to maintain, repair, or alter airframes, powerplants, propellers, or appliances in accordance with the applicable requirements hereinafter specified. No person shall operate as a certificated repair station without, or in violation of, the terms of a repair station certificate.

§ 52.7 *Duration.* (a) A repair station certificate issued to a person who is a citizen of the United States shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator.

(b) A repair station certificate issued to a person who is a citizen of a foreign country shall expire one year after the date of issuance, unless sooner surrendered, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator.

§ 52.8 *Exchange of certificates.* The Administrator shall, not later than one year from the effective date of this part, reinspect all repair stations certificated prior to the effective date of this part. Upon the conclusion of such inspection the certificates and ratings of such repair stations shall expire. A new certificate with appropriate ratings may be issued in accordance with the provisions of this part, if such inspection indicates compliance therewith. Until such inspection has been completed and a new certificate has been issued, a repair station shall comply with the requirements of this part prior to this revision.

§ 52.9 *Display.* The repair station certificate shall be on display in the repair station for which the certificate was issued and available for inspection by any authorized representative of the Administrator or the Board.

§ 52.10 *Change of location.* No change in the location of a certificated repair station shall be made without the prior written approval of the Administrator.¹

§ 52.11 *Advertising.* Any advertising conducted by a certificated repair station which indicates that it is a certificated repair station shall clearly indicate the work for which it is rated under its certificate.

§ 52.12 *Inspection.* An authorized representative of the Administrator or the Board shall be permitted at any time to make inspections or examinations to

determine a repair station's compliance with the provisions of the Civil Air Regulations.

§ 52.13 *Nontransferability of certificate.* A repair station certificate is not transferable.

DOMESTIC CERTIFICATE REQUIREMENTS

§ 52.20 *Requirements for issuance of certificate.* An applicant for a certificate for a repair station to be located within the United States shall be a citizen thereof. No such certificate shall be issued until the requirements of §§ 52.21 through 52.24 and §§ 52.30 through 52.36, as appropriate, are met.

§ 52.21 *Housing and facilities.* An applicant shall provide:

(a) Sufficient housing to accommodate the necessary equipment and material, and suitable working space for the performance of the work for which the repair station rating is sought;

(b) Suitable facilities for the proper storage, segregation, and protection of materials, parts, and supplies; and

(c) Suitable facilities for the proper protection of parts and subassemblies during disassembly, cleaning, inspection, repair, alteration, and assembly.

§ 52.22 *Personnel.* (a) Each applicant shall have an adequate number of personnel competent to perform, supervise, and inspect the work for which the repair station is rated.

(b) Any individual who is directly in charge of the inspection, maintenance, overhaul, or repair functions shall have had at least 18 months of experience with the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in such functions as related to the work for which the repair station is rated.

§ 52.23 *Designation of certificated airman.* A responsible officer of the repair station shall certify, in a form and manner prescribed by the Administrator, that each individual directly in charge of overhaul, repair, alteration, or inspection is competent to perform and to supervise the work to which he is assigned. This certification shall remain in effect no longer than the period of employment in the certifying repair station.

§ 52.24 *Records of supervisory and inspection personnel.* Each repair station shall maintain current records of personnel who are directly in charge of overhaul, repair, alteration, or inspection and shall furnish copies thereof to the Administrator in a manner and form prescribed by him. These records shall contain such information concerning the qualifications of each such individual as is necessary to show compliance with the experience qualifications of this subchapter. No certificated repair station shall utilize the services of an individual directly in charge of overhaul, repair, alteration, or inspection unless current records are maintained for such individual as required herein.

§ 52.25 *Inspection system.* An applicant for a repair station certificate shall have an inspection system adequate for satisfactory quality control.

§ 52.26 *Ratings.* The following repair station ratings shall be issued:

(a) *Airframe—Class 1.* Composite construction up to and including 12,500 lbs. maximum certificated weight,

Class 2. Composite construction above 12,500 lbs. maximum certificated weight,

Class 3. All-metal construction up to and including 12,500 lbs. maximum certificated weight,

Class 4. All-metal construction above 12,500 lbs. maximum certificated weight.

(b) *Powerplant—Class 1.* Engines up to and including 400 horsepower,

Class 2. Engines above 400 horsepower,

Class 3. Jet engines.

(c) *Propeller—Class 1.* Fixed-pitch type,

Class 2. All other types, by make and model.

(d) *Radio²—Class 1.* Communication equipment,

Class 2. Navigational equipment,

Class 3. Radar (less instrumentation).

(e) *Instrument—Class 1.* Mechanical,

Class 2. Electrical,

Class 3. Gyroscopic,

Class 4. Radar instruments.

(f) *Accessory—Class 1.* Mechanical, by type.

Class 2. Electrical, by type.

§ 52.27 *Limited ratings.* The ratings specified in § 52.26 may be issued with appropriate limitations, where found appropriate by the Administrator, to a repair station which engages solely in the maintenance, repair, or alteration of a particular type of airframe, powerplant, radio, or instrument, or the components thereof, or engages in a specialized service with respect to the maintenance, repair, or alteration of an aircraft, or the components thereof.

§ 52.30 *Equipment and materials; general.* An applicant for a repair station certificate shall have such equipment and materials as are necessary for the competent and efficient performance of the functions appropriate to the rating or ratings sought.

§ 52.31 *Equipment and materials; airframe rating.* An applicant for an airframe rating shall be equipped to perform maintenance, repair, alteration, and inspection operations on such of the following as are appropriate to the rating sought.

(a) Steel structural components,

(b) Wood structure,

(c) Alloy skin and structural components.

² The Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission require that all transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station licensed by the Federal Communications Commission which may affect the proper operation of such station shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class radio operator license issued by the Federal Communications Commission, either radiotelephone or radiotelegraph as may be appropriate for the class of station concerned, who shall be responsible for the proper functioning of the station equipment.

¹ Requests for approval of a change of location should be submitted to the Regional Administrator of Civil Aeronautics for the region in which the repair station is located.

- (d) Fabric covering,
- (e) Control systems,
- (f) Landing gear systems,
- (g) Electric wiring systems.

§ 52.32 *Equipment and materials; powerplant rating.* An applicant for a powerplant rating shall be equipped to:

- (a) Maintain, repair, and alter powerplants, including replacement of parts,
- (b) Inspect all parts, using appropriate inspection aids,
- (c) Accomplish routine machine work,
- (d) Perform assembly operations, and
- (e) Test overhauled powerplants in compliance with manufacturers' recommendations or shall have made suitable arrangements for the performance of this function in lieu thereof.

§ 52.33 *Equipment and materials; propeller rating.* An applicant for a propeller rating shall be equipped to:

- (a) Maintain, repair, and alter propellers, including installation and the replacement of parts,
- (b) Inspect components, using appropriate inspection aids,
- (c) Repair or replace components,
- (d) Balance propellers, and
- (e) Test propeller pitch-changing mechanisms.

§ 52.34 *Equipment and materials; radio rating.* An applicant for a radio rating shall be equipped to:

- (a) Diagnose radio malfunctions,
- (b) Maintain, repair, and alter radios, including installation and the replacement of parts,
- (c) Inspect and test radios,
- (d) Make transmitter frequency checks, and
- (e) Perform such calibrations as are necessary for the proper operation of radio aids to navigation.

§ 52.35 *Equipment and materials; instrument rating.* An applicant for an instrument rating shall be equipped to:

- (a) Diagnose instrument malfunctions,
- (b) Maintain, repair, and alter instruments, including installation and the replacement of parts, and
- (c) Inspect, test, and calibrate instruments.

§ 52.36 *Equipment and materials; accessory rating.* An applicant for an accessory rating shall be equipped to:

- (a) Diagnose accessory malfunctions,
- (b) Maintain, repair, and alter accessories, including the replacement of parts, and
- (c) Inspect, test, and, where necessary, calibrate accessories.

DOMESTIC REPAIR STATION OPERATING RULES

§ 52.40 *Domestic operating rules; general.* All certificated repair stations located in the United States shall comply with the following operating rules.

§ 52.41 *Privileges of certificate.* A certificated repair station shall be authorized:

- (a) To perform maintenance, repair, and alteration work on any airframe, powerplant, propeller, instrument, radio, or accessory for which it is rated, and
- (b) To return to service such airframes, powerplants, propellers, instru-

ments, radios, or accessories after the required maintenance, repair, or alteration work has been performed.

§ 52.42 *Limitations of certificate.* A certificated repair station shall not perform any maintenance, repair, or alteration on any airframe, powerplant, propeller, instrument, radio, or accessory for which such station is not rated, or any such work for which rated when such maintenance, repair, or alteration would require special technical data, equipment, or facilities not available to such station.

§ 52.43 *Maintenance of facilities, equipment, and material.* The holder of a repair station certificate shall maintain all facilities, equipment, and materials in conformity with the standards required for the original issuance of the certificate.

§ 52.44 *Standard of performance.* All maintenance, repair, and alteration work shall be performed in accordance with the standards prescribed in Part 18 of the Civil Air Regulations.

§ 52.45 *Inspection of work performed.* Each airframe, powerplant, propeller, instrument, radio, and accessory which has undergone any maintenance, repair, or alteration shall, prior to being returned to service, be inspected by a qualified inspector. When the complexity of a particular maintenance, repair, or alteration operation so warrants, the inspector shall be a person other than the one who accomplishes the operation. The repair station shall certify on the maintenance, repair, and alteration record for such airframe, powerplant, propeller, instrument, radio, or accessory that it is airworthy.

§ 52.46 *Performance records and reports.* A certificated repair station shall maintain adequate records of all work performed. Such records shall indicate the name of the individual by whom the work was performed, the name of the individual by whom it was inspected, and the name of the certificated mechanic directly in charge thereof, if other than the individual performing the work or inspecting it. Such records shall be kept for at least 2 years.

§ 52.47 *Report of defects or unairworthy conditions.* Unless otherwise prescribed by the Administrator, a certificated repair station shall submit to the Administrator an immediate report of all serious defects in, or other recurring unairworthy conditions of, an airframe, powerplant, propeller, or any component thereof, on a form and in a manner prescribed by the Administrator: *Provided*, That if such repair station is operated by a certificated air carrier which maintains base repair records, such records may be furnished in lieu of the report required by this section.

FOREIGN REPAIR STATION CERTIFICATE REQUIREMENTS

§ 52.50 *Requirements for issuance of foreign repair station certificate.* A certificate with appropriate ratings for a repair station located outside of the United States may be issued to a citizen of the United States, or to a citizen of a

foreign government, only where the Administrator finds that such repair station is necessary to provide for the maintenance, repair, or alteration of United States registered aircraft outside of the United States. No person shall be issued such repair station certificate until the requirements for the issuance of a domestic repair station certificate, excepting §§ 52.22 through 52.24, are met.

§ 52.51 *Scope of work authorized.* A foreign repair station certificate shall be limited to the performance of work on United States registered aircraft which are used in operations conducted in whole or in part outside the United States and shall contain such operating specifications and limitations as the Administrator may prescribe to insure compliance with applicable aircraft airworthiness requirements of the Civil Air Regulations.

§ 52.52 *Personnel.* An applicant shall have adequate personnel competent to perform, supervise, and inspect the work for which the repair station is rated.

FOREIGN REPAIR STATION OPERATING RULES

§ 52.60 *General.* A certificated foreign repair station shall comply with the operating rules prescribed for a domestic repair station, excepting §§ 52.46 and 52.47.

§ 52.61 *Required records and reports.* An applicant shall maintain such records and make such reports with respect to United States registered aircraft as the Administrator finds necessary for the satisfactory administration of this part.

[F. R. Doc. 51-4922; Filed, Apr. 27, 1951; 8:55 a. m.]

[14 CFR, Part 53]

MECHANIC SCHOOL CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision of Part 53 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulations, Washington 25, D. C. All communications received by May 31, 1951, will be considered by the Board before taking further action on the proposed rules. Copies of the communications received will be available after June 5, 1951, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Currently effective Part 53 establishes certification and rating requirements for mechanic schools, provides for aircraft, aircraft engine, and combined aircraft and aircraft engine ratings and curricula, and establishes basic operating rules for the holders of mechanic school certificates.

This proposal establishes new requirements for the issuance of mechanic school certificates and ratings and basic operating rules for the holders thereof. The only ratings to be issued are airframe and powerplant which correspond to the previously issued aircraft and aircraft engine ratings, respectively. The requirements for facilities, equipment, material, and personnel are stated as general standards to be met by each applicant. The type and amount of such facilities, equipment, materials, and personnel must be determined by the requirements of the particular rating sought and the maximum number of students expected to be in attendance at any particular time. Justification as to compliance with such general standards is the primary responsibility of the applicant.

We do not propose to establish requirements for the certification or operation of schools for instrument, radio, or accessory mechanics in view of the fact that such mechanics are not to be issued individual certificates for the performance of work outside of repair stations. It should be noted, however, that the part does not in any way purport to prohibit the establishment of specialized courses or schools for such mechanics or to prevent the graduates of such schools from obtaining employment as certificated airmen in repair stations. (See proposed Part 52, F. R. Doc. 51-4922, released concurrently with this part.)

The proposed revision of Part 53 is set forth below.

This revision is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 302, 601-610, 52 Stat. 985, as amended, 1007-1012, as amended; 49 U. S. C. 452, 551-560)

Dated: April 23, 1951, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

PART 53—MECHANIC SCHOOL CERTIFICATES

§ 53.0 *Applicability of this part.* This part establishes the requirements for the issuance of mechanic school certificates and ratings and basic operating rules for the holders thereof.

§ 53.1 *Definitions.* (a) As used in this part, the words listed below shall be defined as follows:

(1) *Accessory.* An accessory shall mean an appliance other than an instrument, radio, radar, or device for the automatic control of aircraft in flight.

(2) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, or appliances.

(3) *Airframe.* Airframe shall mean all parts of an aircraft less powerplant, propeller, and appliances.

(4) *Alteration.* An alteration shall mean any appreciable change in the

design of an airframe, powerplant, propeller, or appliance.

(5) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(6) *Certificated mechanic.* A certificated mechanic shall mean a mechanic holding a mechanic certificate with appropriate ratings issued by the Administrator.

(7) *Component.* A component shall mean a constituent part of an aircraft.

(8) *Instrument.* An instrument shall mean a device utilizing internal mechanism to indicate visually or aurally the attitude, altitude, performance, or operation of an aircraft or any component thereof, and shall include radar instrumentation and devices for the automatic control of aircraft in flight.

(9) *Maintenance.* Maintenance shall mean the upkeep and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

(10) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(11) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, less propeller.

(12) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft.

(13) *Radio.* Radio shall mean an appliance for the transmission and reception of signals by means of electric waves without a connecting wire.

(14) *Repair.* Repair shall mean the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

(15) *Transport category aircraft.* Transport category aircraft shall mean aircraft which have been certificated in accordance with the requirements of Part 4b of the Civil Air Regulations, or under the transport category performance requirements of Part 4a thereof.

CERTIFICATION RULES

§ 53.5 *Application for certificate.* Application for a mechanic school certificate and ratings, or any modification or amendment thereof, shall be made on a form and in a manner prescribed by the Administrator.

§ 53.6 *Issuance.* A mechanic school certificate with appropriate ratings prescribing such operating specifications and limitations as may be reasonably

required in the interest of safety shall be issued to an applicant whom the Administrator finds is properly and adequately equipped, has sufficient qualified personnel, and is able to conduct a mechanic school in accordance with the requirements hereinafter specified. No person may operate as a certificated mechanic school without, or in violation of, the terms of a mechanic school certificate.

§ 53.7 *Duration.* A mechanic school certificate with appropriate ratings shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator.

§ 53.8 *Exchange of certificates.* All mechanic school certificates and ratings issued prior to the effective date of this part shall expire on January 1, 1952. Each person holding such a certificate shall, on or before January 1, 1952, surrender such certificate to the Administrator who shall issue a new certificate in accordance with the provisions of this part.

§ 53.9 *Display.* The mechanic school certificate with appropriate ratings shall be on display in the mechanic school for which the certificate was issued and available for inspection by any authorized representative of the Administrator or the Board.

§ 53.10 *Change of location.* No change in the location of a certificated mechanic school shall be made without the prior written approval of the Administrator.¹

§ 53.11 *Inspection.* An authorized representative of the Administrator or the Board shall be permitted at any time to make inspections or examinations to determine a mechanic school's compliance with the provisions of the Civil Air Regulations.

§ 53.12 *Nontransferability of certificate.* A mechanic school certificate is not transferable.

§ 53.13 *Advertising.* No certificated mechanic school shall in any manner make any statement pertaining to such school which is false or is designed to mislead any person contemplating enrollment in such school. Any advertising which indicates that such school is approved by the Administrator shall clearly differentiate between those subjects which have been approved by the Administrator and those which have not.

§ 53.14 *Ratings.* The following mechanic school ratings may be issued:

- (a) Airframe,
- (b) Powerplant,
- (c) Airframe and powerplant.

CERTIFICATE REQUIREMENTS

§ 53.20 *Certificate requirements; general.* No applicant for a mechanic school certificate or a rating shall be issued such certificate or rating until the appropriate requirements of §§ 53.21 through 53.42 are met.

¹ Requests for approval of a change of location shall be submitted to the Administrator of Civil Aeronautics, attention Airman Division, Washington 25, D. C.

§ 53.21 *Citizenship.* An applicant shall be a citizen of the United States or of a foreign government which grants or has undertaken to grant reciprocal mechanic school certificate privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

§ 53.22 *Number of students.* Each applicant shall state in his application the maximum number of students expected to be instructed at any particular time.

§ 53.23 *Facilities, equipment, and materials; general.* Each applicant shall have at least the facilities, equipment, and materials specified in §§ 53.25 through 53.27 appropriate to the rating sought, and such additional facilities, equipment, and materials as are determined by the Administrator to be necessary for a particular curriculum to train individuals to perform properly the work appropriate to the mechanic rating sought. The Administrator shall publish in the Civil Aeronautics Manual an outline of the equipment, facilities, and materials which are necessary for compliance with this part.

§ 53.24 *Modification of facilities, equipment, and materials.* No substantial modification or change in the facilities, equipment, and materials approved by the Administrator for a particular curriculum shall be made without the prior written approval of the Administrator.²

§ 53.25 *Required space facilities.* Each applicant shall have such of the following facilities as are appropriate to the rating sought which the Administrator shall determine to be adequate or necessary to accommodate the maximum number of students expected to be instructed at any particular time. Such facilities shall be properly heated, lighted, and ventilated.

(a) A drafting room with drafting tables and equipment,

(b) A stock room set up to insure the proper segregation of materials,

(c) Suitable separate space having proper ventilation and temperature control for doping,

(d) Suitable separate space equipped with adequate cleaning equipment,

(e) Suitable separate space provided with test stands and test clubs for running-in engines,

(f) Suitable separate space provided with adequate equipment to disassemble, repair, assemble, test, service, and inspect the following:

(1) Ignition, electrical equipment, and appliances,

(2) Carburetors and fuel systems,

(3) Hydraulic and vacuum systems as applying to the actuation of aircraft, engines, and their appliances,

(g) Suitable space with adequate equipment for the disassembly, inspection, assembly, and rigging of an aircraft,

(h) Suitable space with adequate equipment for the disassembly, inspection,

tion, overhaul, assembly, and timing of engines.

§ 53.26 *Required instructional equipment.* Each applicant shall have such of the following instructional equipment as is appropriate to the rating sought which need not be in an airworthy condition and which may have been damaged, but it shall have been repaired sufficiently for complete assembly. All airframes, powerplants, propellers, appliances, and components thereof on which instruction is to be given and practical experience is to be obtained shall be sufficiently diversified to indicate the different manners of construction, assembly, inspection, and operation when installed in an aircraft for use, and shall be provided in sufficient number to assure that not more than eight students shall work on any single unit thereof at any one time.

(a) Various types of fuselages, wings (wing sections if of aircraft of more than 12,500 lbs. maximum take-off weight), control surfaces, landing gears, radios, instruments, propellers (including propellers of fixed type, wood and metal, and adjustable and controllable metal), and aircraft engines (including at least one opposed type, one in-line type, one radial type of not less than 350 horsepower, and one supercharged type).

(b) At least one modern-type aircraft complete with powerplant, propeller, instruments, radio (two-way), landing lights, flares, and other items of equipment and accessories on which a mechanic might be required to work and with which he should be familiar.

§ 53.27 *Required materials, tools, and shop equipment.* Each applicant shall have an adequate supply of materials and such of the following shop equipment, special tools, and other miscellaneous tools and equipment as are appropriate to the rating sought and used in the construction, maintenance, and repair of aircraft to insure that each student will receive proper instruction in the construction, maintenance, and repair of aircraft. All tools and shop equipment shall be in satisfactory working condition and shall be of a type proper for the purpose for which they are to be used.

(a) Suitable equipment for checking the alignment of crankshafts and master and connecting rods,

(b) Air riveting hammer with controls and indicator,

(c) Heat-treating equipment for rivets and small structural parts,

(d) Bending and forming tools and equipment,

(e) Suitable equipment for sand, seed, or hull blasting,

(f) Cable splicing equipment,

(g) Suitable equipment for localized etching of propellers,

(h) Suitable equipment for measuring propeller pitch angles,

(i) Suitable assortment of go and no-go gauges,

(j) Suitable equipment for steaming and bending aircraft wood,

(k) Suitable equipment for making and testing glued wood joints,

(l) Air compressor with suitable attachments, and

(m) Battery chargers and testers.

§ 53.28 *Curriculum; general.* An applicant shall offer a curriculum designed to qualify the individuals undergoing instruction to perform the duties of a mechanic for a particular rating or ratings. Each curriculum shall provide at least the number of hours of instruction specified in § 53.29 and shall include instruction in the subjects specified in §§ 53.40 and 53.41. Each curriculum shall be approved by the Administrator, and no change therein shall be made without his prior written approval.

§ 53.29 *Curriculum; number of hours.* At least the following number of hours of instruction shall be offered for each of the following curricula:

(a) Airframe—960 hours,

(b) Powerplant—960 hours,

(c) Combined airframe and powerplant—1,650 hours.

§ 53.40 *Airframe curriculum.* The airframe curriculum shall include the following subjects:

(a) Parts 1, 4a, 4b, 15, 18, 24, 52, and 62 of the Civil Air Regulations, as amended, appropriate to the curriculum,

(b) Tools, instruments, equipment, their use and care,

(c) Shop practice and procedures, use of forms,

(d) Woodworking,

(e) Welding steel structures and fittings,

(f) Aluminum alloy structures and fittings,

(g) Sheet metal, steel, stainless steel, terneplate, aluminum and aluminum alloy,

(h) Welding, riveting, and heat-treating of steel, stainless steel, aluminum, aluminum alloy, structure, stock, and fittings,

(i) Controls and control surfaces,

(j) Splicing cables, bonding, brazing, and soldering,

(k) Hydraulic systems,

(l) Vacuum systems,

(m) Electrical systems,

(n) Fuel systems,

(o) Covering, fabric and stressed skin,

(p) Landing gear assembly,

(q) Assembly and rigging,

(r) Appliances: instruments, radio, floats, flares, heaters, etc.,

(s) Inspection of certificated aircraft, use of forms, etc.,

(t) Aircraft theory and practice, and

(u) Mechanical drawing.

§ 53.41 *Powerplant curriculum.* The powerplant curriculum shall include the following subjects:

(a) Parts 1, 4a, 4b, 13, 14, 18, 24, 52, and 62 of the Civil Air Regulations, as amended, appropriate to the curriculum,

(b) Instruments and equipment, their use and care,

(c) Shop practice and procedures, use of forms,

(d) Fundamental powerplant requirements,

(e) Mechanical drawing.

(f) Powerplant design and construction,

(g) Carburetor and fuel injection systems,

(h) Ignition systems,

(i) Supercharging systems,

²Requests for modifications or changes should be submitted to the Regional Administrator of Civil Aeronautics for the region in which the mechanic school is located.

RULES AND REGULATIONS

- (j) Starting, generating, and regulating systems,
- (k) Fuels and fuel systems,
- (l) Lubrication systems,
- (m) Operation and trouble shooting,
- (n) Disassembly, overhaul, repair, and assembly,
- (o) Inspection, use of inspection tools, theory of magniflux and fluorescent penetrant,
- (p) Block testing,
- (q) Propeller installation and maintenance,
- (r) Powerplant installation,
- (s) Powerplant maintenance,
- (t) Turbojet, turboprop, and compound engines,
- (u) Theory and principle of powerplant operation, and
- (v) Aircraft powerplant development.

§ 53.42 *Instructors.* An applicant shall have that number of instructors holding appropriate mechanic certificates and ratings and such other qualified personnel as the Administrator determines necessary to provide adequate instruction and supervision of the students.

OPERATING RULES

§ 53.50 *Operating rules; general.* All holders of mechanic school certificates with appropriate ratings shall, in the

conduct of the school, comply with the operating rules set forth in §§ 53.51 through 53.57.

§ 53.51 *Quality of instruction.* The quality of instruction shall be such that at least 80 percent of the students who apply, within 60 days after graduation, for mechanic certificates and ratings appropriate to the curriculum from which they were graduated will be able to qualify for such certificates and ratings.

§ 53.52 *Hours of attendance.* No student shall be required to attend any class or classes of instruction for more than 8 hours in any day, or more than 6 days or 40 hours in any seven-day period.

§ 53.53 *Examinations.* Upon completion of each subject included in any approved curriculum each student shall be given an appropriate examination.

§ 53.54 *Transcript of grades.* A certificated mechanic school shall furnish a transcript of grades for each graduate and each student leaving the school prior to graduation. The transcript shall be properly authenticated by an official of the school, and it shall state the curriculum and courses in which the student was enrolled, whether the student satis-

factorily completed the particular curriculum and courses, and the final grades received in each course.

§ 53.55 *Graduation certificate.* A certificated mechanic school shall furnish each graduate a graduation certificate properly authenticated by an official of the school. Each graduation certificate shall show the date of graduation.

§ 53.56 *Required student records.* A certificated mechanic school shall maintain a current record of each student enrolled, showing the student's attendance, courses in which enrolled, examinations, and grades. These records shall be retained by the school for at least 2 years from the date of termination of enrollment. During such period the records shall be available for inspection by an authorized representative of the Administrator or the Board.

§ 53.57 *Maintenance of facilities, equipment, and material.* The holder of a mechanic school certificate shall maintain all facilities, equipment, and material in conformity with the standards required for the original issuance of the certificate.

[F. R. Doc. 51-4925; Filed, Apr. 27, 1951; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

YUMA AUXILIARY IRRIGATION PROJECT,
ARIZONAPUBLIC NOTICE OF ANNUAL OPERATION AND
MAINTENANCE CHARGES

APRIL 4, 1951.

1. *Annual operation and maintenance charges.* The minimum operation and maintenance charge for the calendar year 1951, and thereafter until further notice, shall be \$9.35 per irrigable acre, whether water is used or not, payment of which will entitle the water user to 3 acre-feet of water per acre. Additional water, if available, will be furnished at the rate of \$2.70 per acre-foot; *Provided*, That for lands entered subsequent to September 1 and prior to January 1 of any year no minimum operation and maintenance charge shall be assessed, but water actually delivered shall be paid for in advance at the rate of \$3.00 per acre-foot.

2. *Time of payment.* The minimum charge shall be due and payable April 15 of each year and charges for additional water shall be payable on the tenth of the month following that in which the additional quantity is used.

3. *Place of payment.* All charges due hereunder shall be payable to the Agent-Cashier, Bureau of Reclamation, Bin 151, Yuma, Arizona.

4. The following lands shown on the farm unit plats approved October 3, 1919, are subject to the charges announced:

GILA AND SALT RIVER MERIDIAN

- T. 9 S., R. 23 W.,
Secs. 31 and 32.
- T. 10 S., R. 23 W.,
Secs. 4, 5, 6, 7, 8, and 9;
Sec. 17, N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$;
Sec. 18, N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

E. A. MORITZ,
Regional Director.

[F. R. Doc. 51-4893; Filed, Apr. 27, 1951; 8:47 a. m.]

RIVERTON IRRIGATION PROJECT

NOTICE OF ANNUAL WATER RENTAL CHARGES

APRIL 13, 1951.

1. *Water rental.* Irrigation water, when available, will be furnished upon a rental basis under approved applications for temporary water service during the irrigation season of 1951, and thereafter until further notice, to irrigable lands in public or private ownership which can be served from the constructed works of the Riverton Project that are operated by the Midvale Irrigation District, against which land assessments for water rental were not levied by the Midvale Irrigation District for the year in which the water is to be used, or which lands are not covered by integration or carriage contracts with the United States.

2. *Charges and terms of payment.* The minimum water rental charge for

the irrigation season of 1951, and thereafter until further notice, shall be equal to the sum of the per acre construction assessment against lands in Block One of the Midvale Irrigation District plus the current per acre assessment for operation and maintenance in the District.

3. *Delivery of water.* Irrigation water will be delivered in conformity with the rules and regulations issued pursuant to Article 40 of the contract of February 12, 1931, between the United States and the Midvale Irrigation District.

4. All applications for water service and payments under this notice shall be made to the Midvale Irrigation District, Pavillion, Wyoming.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

K. F. VERNON,
Regional Director.

[F. R. Doc. 51-4894; Filed, Apr. 27, 1951; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. 709]

ALASKA HERRING PACKERS ASSN. AND
ALASKA STEAMSHIP CO.

NOTICE OF CANCELLATION OF HEARING

A stipulation has been filed with the Board whereby Alaska Herring Packers Association agrees to dismissal of the complaint herein with prejudice and Alaska Steamship Company agrees to

cancel the increase in rates for the carriage of fish oil from Southeastern and Southwestern Alaskan ports to Seattle, Washington. The Board is requested to enter an order in conformity with the stipulation.

The hearing which was scheduled to be held in Seattle, Washington, on May 7, 1951, is hereby canceled.

Dated: April 24, 1951.

By order of the Federal Maritime Board.

[SEAL]

A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-4881; Filed, Apr. 27, 1951;
8:45 a. m.]

Federal Maritime Board and Maritime Administration

ORGANIZATION AND FUNCTIONS

The statements of organization and functions and delegations of authority of the Federal Maritime Board and the Maritime Administration issued in 15 F. R. 3195, 15 F. R. 5711, 16 F. R. 44-46, and 16 F. R. 2642, are hereby revoked and the following substituted therefor:

1. *Establishment.* The Federal Maritime Board and the Maritime Administration were established in the Department of Commerce by Reorganization Plan No. 21 of 1950, effective May 24, 1950. In performance of their functions the Federal Maritime Board and the Maritime Administration are guided by the broad declaration of policy stated in Title I of the Merchant Marine Act, 1936 (49 Stat. 1985), as follows:

It is necessary for the national defense and development of its foreign and domestic commerce that the United States shall have a merchant marine (a) sufficient to carry its domestic water-borne commerce and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign water-borne commerce at all times, (b) capable of serving as a naval and military auxiliary in times of war or national emergency, (c) owned and operated under the United States flag by citizens of the United States insofar as may be practicable, and (d) composed of the best-equipped, safest, and most suitable types of vessels, constructed in the United States and manned with a trained and efficient citizen personnel. It is hereby declared to be the policy of the United States to foster the development and encourage the maintenance of such a merchant marine.

2. *Organization of the Federal Maritime Board.* The Federal Maritime Board is composed of three members appointed by the President by and with the advice and consent of the Senate. The President designates one of the members to serve as Chairman of the Federal Maritime Board. The Chairman serves as the chief executive and administrative officer of the Federal Maritime Board. Any two members in office constitute a quorum for the transaction of the business of the Federal Maritime Board, and the affirmative votes of any two members are sufficient for the dis-

position of any matter which may come before the Federal Maritime Board.

The Federal Maritime Board has the following organizational components: (a) Office of the Chairman of the Federal Maritime Board; (b) Offices of the Members of the Federal Maritime Board; (c) Secretary's Office; (d) Regulation Office; and (e) Hearing Examiners' Office.

Insofar as he deems desirable, the Chairman of the Federal Maritime Board makes use of the officers and employees of the Maritime Administration to perform activities for the Federal Maritime Board.

3. *Functions of the Federal Maritime Board.*—(a) *Regulatory functions.* Under Reorganization Plan No. 21 of 1950 the Federal Maritime Board is independent of the Secretary of Commerce in the performance of the following functions: (1) All functions under the provisions of sections 14 to 20, inclusive, and sections 23 to 33, inclusive, of the Shipping Act, 1916, as amended, which functions relate to the regulation and control of rates, services, practices, and agreements of common carriers by water and of other persons;

(2) All functions with respect to the regulation and control of rates, fares, charges, classifications, tariffs, regulations, and practices of common carriers by water under the provisions of the Intercoastal Shipping Act, 1933, as amended;

(3) The functions with respect to the making of rules and regulations affecting shipping in the foreign trade to adjust or meet conditions unfavorable to such shipping, and with respect to the approval, suspension, modification, or annulment of rules or regulations of other Federal agencies affecting shipping in the foreign trade, under the provisions of section 19 of the Merchant Marine Act, 1920, as amended, exclusive of subsection (1) (a) thereof;

(4) The functions with respect to investigating discriminatory rates, charges, classifications, and practices in the foreign trade, and with respect to recommending legislation to correct such discrimination, under the provisions of section 212 (e) of the Merchant Marine Act, 1936; and

(5) So much of the functions with respect to requiring the filing of reports, accounts, records, rates, charges, and memoranda, under the provisions of section 21 of the Shipping Act, 1916, as amended, as relates to its functions under items (1) through (4) above.

(b) *Subsidy contracts.* Under Reorganization Plan No. 21 of 1950 the Federal Maritime Board is guided by the general policies of the Secretary of Commerce in performing the following functions:

(1) The functions with respect to making, amending, and terminating construction (reconstruction or reconditioning) differential subsidy contracts, including contracts for the construction, reconstruction, or reconditioning of ships and contracts for the sale of ships to subsidy applicants or contracts to pay a differential subsidy and the cost of national defense features. In the exercise of this function the Federal Mari-

time Board investigates and determines the relative cost of construction of comparable ships in the United States and foreign countries and the extent and character of aids and subsidies granted by foreign governments to their merchant marines;

(2) The functions with respect to making, amending, and terminating operating differential subsidy contracts, and subsequent to entering into an operating differential subsidy contract, making determinations with respect to employment and wage conditions, and taking action on readjustment of operating cost differentials and the sale, assignment or transfer of the contract. In the exercise of this function the Federal Maritime Board investigates and determines the relative cost of operating ships under the registry of the United States and under foreign registry, and the extent and character of aids and subsidies granted by foreign governments to their merchant marines;

(3) The functions with respect to investigating and reporting on relative construction and operating costs in the United States and foreign maritime countries, and the relative advantages of operating under United States or foreign registry, and on marine insurance, navigation laws, and ship mortgages as authorized under section 12 of the Shipping Act, 1916; and

(4) The functions with respect to requiring the filing of reports, accounts, records, rates, charges and memoranda as relates to its functions as set forth in items (1), (2), and (3), above.

(c) *Charters under the Merchant Ship Sales Act, 1946, as amended by Public Law 591, 81st Congress.* The Federal Maritime Board makes determinations, after public hearings, as to whether the bareboat charter of war-built dry-cargo ships owned by the United States is required in the public interest in any service then not adequately served and for which privately owned American-flag ships are not available for charter by private operators on reasonable conditions and rates, and certifies its findings to the Secretary of Commerce (Maritime Administrator) together with any restrictions and conditions which it determines to be necessary or appropriate to protect the public interest in respect to such charters and to protect privately owned ships against competition from Government ships chartered by the Secretary of Commerce (Maritime Administrator). All such charters are reviewed annually by the Federal Maritime Board for the purpose of making recommendations to the Secretary of Commerce (Maritime Administrator) as to whether conditions exist justifying the continuance of the charters.

(d) *War risk insurance.* Pursuant to Public Law 763, 81st Congress, the Federal Maritime Board makes determinations of the fair and reasonable value of ships insured under the provisions of Title XII of the Merchant Marine Act, 1936, as amended.

(e) In carrying out its functions under paragraphs (a), (b), (c), and (d) above, the Federal Maritime Board adopts rules and regulations; makes reports and recommendations to Congress;

subpoenas witnesses; administers oaths; takes evidence; requires the production of books, papers and documents as necessary; issues opinions; promulgates orders; engages in enforcement and other legal proceedings; and performs all functions formerly performable by the Maritime Commission, which have been transferred to the Federal Maritime Board pursuant to Reorganization Plan No. 21 of 1950.

(f) *Specific functions of organizational components.* (1) The Office of the Chairman of the Federal Maritime Board executes and administers the activities of the Federal Maritime Board;

(2) The Offices of the Members of the Federal Maritime Board are responsible for rendering assistance as may be required on matters being handled by the Federal Maritime Board;

(3) The Secretary's Office is responsible for receiving documents required to be filed with the Federal Maritime Board and the Maritime Administration; preparing dockets and maintaining records of meetings; and issuing orders and notices of actions;

(4) The Regulation Office is responsible for examining and maintaining a record of tariffs of offshore carriers and terminal operators and agreements under the Shipping Act, 1916; processing complaints of violations of shipping laws; registering and reviewing practices of forwarders; and recommending with respect to rules and regulations affecting shipping; and

(5) The Hearing Examiners' Office is responsible for conducting hearings under the Administrative Procedure Act and shipping statutes arising from formal complaints or investigations alleging unlawful shipping practices; applications for operating-differential subsidy; establishment of minimum wages, etc.; and applications for charters.

4. *Organization of the Maritime Administration*—(a) *Maritime Administrator.* The Chairman of the Federal Maritime Board is ex officio the Maritime Administrator. When serving as Maritime Administrator, he reports and is responsible to the Secretary of Commerce, and will be guided by the Secretary's policies.

(b) *Deputy Maritime Administrator.* The Maritime Administrator is assisted in his duties by a Deputy Maritime Administrator, who is the Acting Maritime Administrator during the absence or disability of the Maritime Administrator and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Maritime Administrator. The Deputy Maritime Administrator is appointed by the Secretary of Commerce, after consultation with the Maritime Administrator. The Deputy Maritime Administrator at no time sits as a member of the Federal Maritime Board.

(c) *Organizational components.* The Maritime Administration has the following organizational components:

- (1) Office of the Maritime Administrator;
- (2) Budget Office;
- (3) Program Planning Office;
- (4) Personnel Office;
- (5) Division of Claims;

- (6) Office of the General Counsel;
- (7) Office of the Comptroller;
- (8) Office of Maritime Training;
- (9) Office of Subsidy and Government Aid;
- (10) Office of Property and Supply;
- (11) Office of Ship Construction;
- (12) National Shipping Authority;
- (13) Office of Ship Requirements and Allocations;
- (14) Office of Ship Operations;
- (15) Office of Tanker Services;
- (16) Office of Maritime Labor Policy; and
- (17) Offices of the Coast Directors.

(d) *Use of officers and employees of the Federal Maritime Board.* Insofar as he deems desirable, the Maritime Administrator makes use of officers and employees of the Federal Maritime Board under his supervision as Chairman to perform activities for the Maritime Administration.

5. *Functions of the Maritime Administrator*—(a) *General.* The Maritime Administrator is responsible for: (1) Performing activities for the Federal Maritime Board as determined desirable by the Federal Maritime Board;

(2) Exercising the powers and authorities, which powers and authorities are hereby delegated, and performing the functions, vested in the Secretary of Commerce by: (i) Section 204 of Reorganization Plan No. 21 of 1950, other than the authority to establish general policies for the guidance of the Federal Maritime Board in exercising its functions under section 105; (ii) Public Law 591, 81st Congress, 2d Session, which authorizes the chartering of passenger and war-built dry-cargo ships; (iii) Public Law 763, 81st Congress, 2d Session, which authorizes government war risk insurance of merchant ships, except that the authority "to find that insurance adequate to the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions in companies authorized to do an insurance business in a State of the United States" is reserved to the Secretary of Commerce; and (iv) Public Law 911, 81st Congress, 2d Session, which authorizes the construction of merchant ships when required for national security.

(3) Performing the functions and exercising the powers and authorities vested in the Secretary of Commerce by Executive Order 10161, Executive Order 10200 (and Defense Production Administration Delegation No. 1), and Executive Order 10219 with respect to intercoastal, coastwise, and overseas shipping, including the use thereof, and delegated to the Under Secretary of Commerce for Transportation and redelegated to the Maritime Administrator; and

(4) Representing the United States in dealing with shipping agencies of allied and associated governments in matters related to the use of shipping, acting within the framework of the national policy and under the guidance of the Department of State on matters of foreign policy and relations (Executive Order 10219).

(b) *Specific functions of organizational components.* (1) The Office of the Maritime Administrator directs the activities of the Maritime Administration and includes personnel who render

staff services to the Maritime Administrator;

(2) The Budget Office develops and presents budgetary requests and justifications and allots and maintains budgetary control of appropriated funds for the Maritime Administration and the Federal Maritime Board;

(3) The Program Planning Office develops and recommends long-range merchant marine policy and programs, reviews existing policies and programs in the light of adopted long-range policy, and approves economic studies connected with policy formulation of the Maritime Administrator and the Federal Maritime Board;

(4) The Personnel Office administers the personnel functions of the Maritime Administration and the Federal Maritime Board related to employment and position classification, including recruitment, placement, separations, disciplinary actions, counseling and grievance appeal services, training and safety programs, and wage rate studies;

(5) The Division of Claims is responsible for analyzing and recommending the basis of settlement of claims in favor of or against the Maritime Administration arising out of the operations of the former Maritime Commission and War Shipping Administration and out of current operations;

(6) The Office of the General Counsel serves as the law office of the Maritime Administration and Federal Maritime Board, renders legal advice and opinions to them, and represents them in any litigation in which either is interested. The Office of the General Counsel has the following divisions: Division of Contracts, Division of Legislation, and Division of Litigation;

(7) The Office of the Comptroller is responsible for the accounting, auditing, and insurance activities of the Maritime Administration and the Federal Maritime Board. The Office of the Comptroller has the following divisions: Division of Accounts, Division of Audits, Division of Insurance, and Division of Credits and Collections;

(8) The Office of Maritime Training is responsible for developing, coordinating, and maintaining programs of seamen services and training of merchant marine personnel; and administering a medical and health program. The Office of Maritime Training has the following divisions: Division of Cadet Corps Training, Division of Maritime Service Training, and Division of State Maritime Academies;

(9) The Office of Subsidy and Government Aid is responsible for the processing of applications to the Federal Maritime Board and the Maritime Administration for subsidy or other government aid and the administration of government aid contracts after their execution, and for the coordination of the work of other organizational components in connection therewith. The Office of Subsidy and Government Aid has the following divisions: Division of Contracts, Division of Operating Costs, Division of Ship Statistics, and Division of Trade Routes;

(10) The Office of Property and Supply is responsible for the procurement

and disposal of real and personal property; the disposal of ships; the maintenance or operation of warehouses, marine terminals, and reserve shipyards; port development; and the rendering of office services. The Office of Property and Supply has the following divisions: Division of Purchase and Sales, Division of Ports and Facilities, and Division of Office Services;

(11) The Office of Ship Construction is responsible for the conduct of activities of the Maritime Administration and the Federal Maritime Board relating to ship design and construction, and the rendering of technical direction to the National Shipping Authority with respect to the reconversion, betterment and reconditioning of Maritime Administration-owned ships. The Office of Ship Construction has the following divisions: Division of Preliminary Design, Division of Estimates, Division of Technical Development, and Division of Production; and contains the Trial and Guarantee Survey Boards;

(12) The National Shipping Authority is responsible for the conduct of activities relating to requirements for and allocation of oceangoing merchant shipping; charter, operation, repair, and reconversion of Maritime Administration-owned or acquired merchant ships; maintenance of reserve fleets; maritime labor policy; and recommendations for purchase, charter in, or requisition of merchant ships for government use. The National Shipping Authority has the following offices: (i) The Office of Ship Requirements and Allocations, responsible for determining requirements for and allocation of available shipping; calculating freight rates; issuing and administering priorities for transportation of ship cargo; and administering freight forwarding and other traffic activities. The Office of Ship Requirements and Allocations has the following divisions: Division of Requirements, Division of Allocations, Division of Freight Rates, and Division of Ship Warrants; (ii) The Office of Ship Operations, responsible, in connection with Maritime Administration-owned or acquired passenger and dry-cargo ships, for supervising operation and charter; contracts for stevedoring and other port services; repair and maintenance; the Maritime Administration reserve fleet; and preparing and administering of related regulations and orders. The Office of Ship Operations has the following divisions: Division of Operations, Division of Ship Repair and Maintenance, Division of Ship Custody, and Division of Operating Contracts; (iii) The Office of Tanker Services is responsible for determining requirements for and allocating tankers; supervising tanker operations; and arranging tanker repairs through the Office of Ship Operations; (iv) The Office of Maritime Labor Policy is responsible for formulating policies governing recruitment, safety, medical care, labor relations, disciplinary actions, and repatriation of personnel operating ships for the Maritime Administration; and war risk benefits for and deferment of all ship operating personnel.

(13) The Offices of the Atlantic, Gulf, and Pacific Coast Directors are responsible for the direction of operations of the National Shipping Authority and the Office of Property and Supply and for maintaining general surveillance over the management of all field offices of the various organizational components located on their respective coasts.

6. *Limitations on delegations of administrative authority.* The Maritime Administration shall operate as a primary organization unit of the Department of Commerce. The authority delegated by this notice shall be exercised in accordance with the limitations and conditions placed on primary organization units and unit heads in orders, instructions and directives of the Department of Commerce, including those set forth in the Department of Commerce Manual of Orders and including any specifically directed to the Maritime Administrator.

7. *Power to redelegate.* The Maritime Administrator is hereby granted the power and authority to redelegate the authority delegated herein, and to prescribe necessary limitations, restrictions, and conditions on the exercise of such authority.

8. *Confirmation of previous delegations and actions.* (a) All previous delegations of authority made by competent authority and in effect immediately prior to the effective date of this notice, shall remain in full force and effect until superseded or revoked by action of the Secretary of Commerce or the Maritime Administrator.

(b) Every regulation or other action which was made, prescribed, issued, granted or performed in respect of or by the United States Maritime Commission, and which was in effect immediately prior to the effective date of this notice is hereby adopted and confirmed and shall remain in full force and effect, except to the extent inconsistent with said Reorganization Plan No. 21 or this notice, until superseded, amended, or revoked under appropriate authority.

(c) All orders, regulations, rulings, certificates, directives, and other actions heretofore issued or taken under 15 F. R. 8739 and 16 F. R. 1130 and in effect immediately prior to the effective date of this notice shall remain in full force and effect until hereafter suspended, amended, or revoked under appropriate authority.

9. *Filing of applications and other formal documents.* All applications and other formal documents required to be filed with either the Federal Maritime Board or the Maritime Administration shall be filed with the Secretary's Office, Federal Maritime Board.

10. *Reports to the Congress or the President.* All reports and other submissions required by law to be made to the Congress or the President of the United States in connection with the functions of the Secretary of Commerce which have been delegated to the Maritime Administrator shall be prepared for the signature of, and submitted by, the Secretary of Commerce.

(5 U. S. C. 22; R. S. 161; and Reorg. Plan No. 21 of 1950)

[SEAL]

CHARLES SAWYER,
Secretary of Commerce.

The statements of organization and functions of the Federal Maritime Board contained in the foregoing have been adopted by the Federal Maritime Board.

E. L. COCHRANE,
Chairman, Federal Maritime Board.

[F. R. Doc. 51-4908; Filed, Apr. 27, 1951;
8:52 a. m.]

National Production Authority

[NPA Delegation 10]

ADMINISTRATOR OF PRODUCTION AND MARKETING ADMINISTRATION

DELEGATION OF AUTHORITY TO EXERCISE CERTAIN FUNCTIONS VESTED IN ADMINIS- TRATOR OF NATIONAL PRODUCTION AU- THORITY

1. The Administrator of the Production and Marketing Administration, United States Department of Agriculture, and the Administrator of the National Production Authority, United States Department of Commerce, have certain allocation and priority functions under the Defense Production Act of 1950, vested in them by Executive Orders Nos. 10161 and 10200 (15 F. R. 6105; 16 F. R. 61), Defense Production Administration Delegation 1 (16 F. R. 738), Department of Commerce Order 123 as amended (15 F. R. 6726; 16 F. R. 1129), and Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446; 16 F. R. 3311). The Administrators have entered into a certain agreement, signed by them on March 30 and April 13, 1951, respectively (16 F. R. 3410), applicable to the exercise of their respective allocation and priority functions regarding foods which have industrial uses.

2. Pursuant to the aforesaid authorities, and in furtherance of the said agreement:

(a) The Administrator of the National Production Authority hereby delegates to the Administrator of the Production and Marketing Administration the requisite authority to exercise the allocation and priority functions under Title I of the Defense Production Act of 1950 vested in him to the extent necessary to effectuate the provisions of the said agreement, as from time to time amended or supplemented.

(b) In exercising such authority, the Administrator of the Production and Marketing Administration is authorized to exercise the functions vested in the Administrator of the National Production Authority under sections 902 (a) and 902 (b) of said Executive Order No. 10161.

This delegation shall take effect on April 26, 1951.

NATIONAL PRODUCTION
AUTHORITY,
MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-4982; Filed, Apr. 26, 1951;
2:19 p. m.]

Office of International Trade

[Case No. 99]

GAMBARO CORP. CONSTRUCTION CO. ET AL.

ORDER SUSPENDING LICENSING PRIVILEGES

In the matter of: Gambaro Corporation Construction Company, Hans Gambaro, Johann Gambaro, Lucerne, Switzerland; respondents.

This proceeding was begun by the issuance of a charging letter, dated September 28, 1950, wherein the Office of International Trade charged Hans Gambaro, Johann Gambaro and Gambaro Corporation Construction Company (also known as Gambaro A G), of Lucerne, Switzerland, hereinafter called the respondents, with having violated the Export Control Act of 1949 (63 Stat. 7) and the regulations issued thereunder.

It was alleged in said charging letter that the respondents placed with a certain supplier in the United States, on or about November 30, 1949, an order for shipment of three paving machines and parts to the respondents in Switzerland; that they caused said supplier to make application for and obtain a validated export license for shipment of said pavers on the basis of representations that their ultimate destination would be Switzerland. It was alleged further that respondents, through their supplier, caused exportation to be made under said license, pursuant to bills of lading wherein they described the shipments as being made to respondents in Switzerland; that the respondents intended ultimate destination for said pavers was not Switzerland but Hungary, as they then knew; and that the respondents actually attempted to re-export, divert or transship said pavers from Switzerland to Hungary, via Austria, at which latter place they were detained by authorities of the United States.

The charging letter, by its terms, temporarily suspended the privileges of respondents to participate in any exportation from the United States under any validated license, pending final action in this compliance proceeding.

The respondents filed written answer to the charging letter denying the allegations therein or that they otherwise violated the the export control law and regulations. They did not request an oral hearing, and, accordingly, the answer and the evidentiary materials in the possession of the Investigation Staff of the Office of International Trade were presented to the Compliance Commissioner at a hearing held before him in Washington, D. C., on February 2, 1951, and the Compliance Commissioner has filed his report thereon, dated April 17, 1951, with the Assistant Director for Export Supply.

It appears from the record and the Compliance Commissioner's report that in November 1949, the respondents placed an order for three (3) pavers and spare parts with a United States supplier who applied for and obtained a validated export license which was used to export to the respondents in Switzerland the said pavers, valued at \$94,400, including freight and insurance;

that both as to the order and the license application the respondents stated and represented orally and in writing that the said pavers were for their own use in Switzerland for certain construction projects.

It further appears from the record and the Compliance Commissioner's report that the said pavers arrived in Switzerland on or about April 29, 1950, and that between May 3 and May 15, 1950, the respondents represented to U. S. Foreign Service officials in Switzerland that the said pavers were to be resold and re-exported outside of Switzerland, but not to Hungary; that the respondents sold, consigned and shipped the pavers to a foreign purchaser at Budapest, Hungary, and that the said pavers were and are now detained by authorities of the United States at Salzburg, Austria.

It further appears from the record and the Compliance Commissioner's report that the respondents are closely associated in the contracting and machinery import business in Switzerland; that they have heretofore engaged in the importations of machinery from the United States; that Hans Gambaro visited in the United States to establish trade connections for machinery imports into Switzerland shortly before the period involved in this case.

It further appears from the record and the Compliance Commissioner's report that the close personal and business connections between respondents Hans and Johann Gambaro, the specific community of interest in the said pavers, and the other facts and circumstances found in the record, clearly indicate equal culpability on the part of all the respondents for the actions and conduct causing the false representations to be made and transshipment to be effected.

It further appears from the record and the Compliance Commissioner's report that the representations of respondents to the United States supplier as to end use and ultimate destination upon which the said supplier relied in applying for export license, were false; that respondents' representations to U. S. Foreign Service officials in Switzerland thereon were likewise false and were made for the purpose of inducing the issuance and maintenance in effect of said export license and to effectuate the re-export, diversion or transshipment of said pavers outside Switzerland; that such false representations induced the Office of International Trade to issue the validated license authorizing the exportation of the equipment to Switzerland and induced the Collector of Customs to authenticate the Shipper's Export Declarations; that respondents purchased the paving machines and parts knowing and intending that the same were for resale and transshipment to Hungary; and that respondents exported from the United States, resold and attempted to transship said pavers to Hungary, all in violation of the Export Control Law and regulations.

The Compliance Commissioner has recommended in his report that the respondents should be subjected, for the duration of export controls, to an order barring them from participating in ex-

ports. He has stated in his report that the culpability of the respondents with respect to the violations charged has been established, and that such violations were committed by the respondents deliberately and were effected through the devices of falsification and connivance for the purpose of circumventing the Export Control Law, and thus demonstrated the respondents' disregard for export control regulations and their untrustworthiness insofar as concerns future compliance.

The Compliance Commissioner has therefore recommended that all outstanding export licenses issued to respondents or any of them be revoked; that all export license privileges of respondents be suspended for the duration of export control; and that such suspension extend not only to the named respondents but also to any person, firm, corporation or organization which respondents may now or hereafter control or with which respondents Johann Gambaro or Hans Gambaro may hold a position of responsibility in the conduct of export trade.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the evidentiary material submitted by the Office of International Trade, and it appears that such findings are supported by the evidence and that such recommendations are reasonable and should be adopted. Now, therefore, it is ordered as follows:

(1) All outstanding export licenses held by or issued in the names of respondents or any of them are hereby revoked and shall be forthwith returned to the Office of International Trade for cancellation.

(2) Respondents and each of them are hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated export licenses, for the duration of export control. Such denial of export license privileges shall be deemed to include and prohibit participation as a party, or as a representative of a party, to any export license application or to any exportation under either general or validated license in any manner or capacity, including the financing, forwarding, transporting or other serving of exports.

(3) Such revocation and denial of export license privileges shall extend not only to the named respondents but also to any person, firm, corporation or other business organization with which they or any of them may be now or hereafter related by ownership or control or with which respondents Johann Gambaro or Hans Gambaro may hold a position of responsibility involving the preparation, filing, procurement or use of any export control documents or the supervision of any person so engaged.

Dated: April 20, 1951.

JOHN C. BORTON,
Assistant Director for
Export Supply.

[F. R. Doc. 51-4913; Filed, Apr. 27, 1951;
8:52 a. m.]

[Case No. 100]

IHSAN M. BEYDOUN

ORDER SUSPENDING LICENSING PRIVILEGES

In the matter of: Ihsan M. Beydoun, 85-86 London House, Loveday Street, Johannesburg, Union of South Africa.

This proceeding was begun by the issuance of a charging letter, dated May 31, 1950, wherein the Office of International Trade charged Ihsan M. Beydoun, Johannesburg, Union of South Africa, hereinafter referred to as the respondent, with having violated the United States Export Control Act of 1949 (63 Stat. 7) and the regulations issued thereunder.

It was alleged in said charging letter that for the purpose of inducing the Office of International Trade to issue an export license for the shipment of a quantity of jute bags of the respondents then in the Foreign Trade Zone at New York City, intransit from India to Venezuela under consignment to the respondent, said respondent falsely represented to the Office of International Trade, through his American freight forwarder who was the applicant for said license, that such jute bags were destined for Venezuela, whereas, as respondent then well knew and intended, such jute bags would be diverted or transshipped to South Africa, and, further, that upon the subsequent issuance of said export license and exportation of such jute bags from the United States, respondent caused the same to be diverted or transshipped to South Africa.

The charging letter temporarily suspended the privilege of respondent to participate in any exportation from the United States under any validated license pending final action in this compliance proceeding.

The respondent submitted a letter to the Office of International Trade, dated September 8, 1950, requesting an oral hearing, but thereafter failed or refused to establish a date for such hearing although the Office of International Trade transmitted several notices to respondent offering him an opportunity to be heard, and, accordingly, the evidentiary materials in the possession of the Investigation Staff of the Office of International Trade were presented to the Compliance Commissioner at a hearing held before him in the offices of the Department of Commerce at Washington, D. C., on February 2, 1951, at which the Office of International Trade was represented by counsel, but respondent did not appear in person or by counsel.

The Compliance Commissioner filed his report of such proceeding, dated April 20, 1951, with the Assistant Director for Export Supply.

It appears from the record and the Compliance Commissioner's report that respondent is, and at all times relevant to this proceeding was, a British subject residing and maintaining his business in Johannesburg, South Africa; that between March 1949 and June 1949, respondent purchased in India some 700,500 new jute bags, allocated to the jute bag quota for Venezuela; that the purchase of such bags was partially or entirely financed by Societe de Finance Commerciale, S. A., Geneva, Switzer-

land; that such bags were exported by respondent from India for delivery to respondent at Caracas, Venezuela, via New York, under bills of lading providing for no transshipment; that upon arrival of such jute bags at the Foreign Trade Zone at New York City, in transit, respondent was required to obtain validated export license to export such bags from the United States under applicable regulations so providing; that respondent employed an American freight forwarder in New York City to file application for export license in his behalf to ship such bags to Venezuela and in such application caused said agent to make representations and statements that respondent was the ultimate consignee and that Venezuela was the country of ultimate destination of such jute bags; that in reliance upon the aforesaid representations and statements in said application, the Office of International Trade, on July 6, 1949, issued validated license authorizing the export of such jute bags from the United States to respondent at Caracas, Venezuela.

It further appears from the record and the Compliance Commissioner's report that the said jute bags were thereafter exported from the United States on a vessel which left the port of New York on July 30, 1949, and that when said vessel arrived at Durban, South Africa, respondent caused legal action to be instituted in the courts of that country for the delivery of such jute bags there; that such legal proceedings were opposed by the carrier and by representatives of the United States Government; that respondent thereupon withdrew the suit and abandoned the same; that thereafter the Office of International Trade regulations affecting foreign-made jute bags moving in transit through the United States were amended to permit such commodity to be exported from the United States without validated license; that in view of such amendment respondent was permitted to land such jute bags, then on said vessel in South African waters, in South Africa, although the right to proceed against respondent by administrative action or criminal action, or both, was reserved by the Office of International Trade.

It further appears from the record and the Compliance Commissioner's report that at all the times hereinbefore mentioned it was the intention and purpose of respondent to divert or transship such jute bags to South Africa; that in pursuance of such intention and between the period of the shipment of such bags from India and the exportation of same from the United States respondent made numerous attempts to divert or transship such jute bags to South Africa by fraudulent scheme, trick and device.

It further appears from the record and the Compliance Commissioner's report that to induce the Office of International Trade to issue a validated license authorizing the export of such jute bags from the United States respondent made and caused to be made through his agent false representations to the Office of International Trade that such jute bags were destined for Venezuela when respondent then knew and intended that such bags would be diverted

or transshipped as aforesaid; that respondent caused such jute bags to be exported from the United States and to effect such export caused the validated license, shipper's export declarations and bills of lading to be filed with the United States Collector of Customs at New York, wherein such shipment was falsely represented as being made to Venezuela as the country of ultimate destination; that respondent thereby knowingly made and caused to be made false representations to the Office of International Trade and to the United States Collector of Customs as to the ultimate destination of such shipment, and thereby knowingly made and caused such shipment to be made from the United States and diverted to South Africa without export license so authorizing, thus violating the law and regulations relating to export control.

The Compliance Commissioner has recommended in his report that respondent should be subjected to an order barring him from participating in exports for the duration of export controls. He has stated in his report that respondent has shown himself to be untrustworthy and not above resort to subterfuge and falsehood. The report further states that respondent's actions in this matter clearly stamp him as one whose disregard of the integrity of the export control law warrants no further trust as a satisfactory recipient of export license privileges and that a suspension of his export license privileges for the duration of export control is entirely justified.

The Compliance Commissioner has therefore recommended that all outstanding export licenses issued to respondent be revoked; that all export license privileges of respondent be suspended for the duration of export control; and that such suspension extend not only to the respondent but also to any person, firm, corporation or organization which respondent may now or hereafter control or with which he may hold a position of responsibility in the conduct of export trade.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the evidentiary material submitted by the Office of International Trade and of the entire record, and it appears that such findings are supported by the evidence and that such recommendations are reasonable and should be adopted. Now, therefore, it is ordered as follows:

(1) All outstanding export licenses held by or issued in the name of respondent are hereby revoked and shall be forthwith returned to the Office of International Trade for cancellation.

(2) Respondent is hereby denied the privilege of obtaining or using or participating directly or indirectly in the obtaining or using of export licenses, including general as well as validated export licenses, for the duration of export control. Such denial of export license privileges shall be deemed to include and prohibit participation as a party, or as a representative of a party, to any export license application or to any exportation under either general or validated license in any manner or capacity, including the

financing, forwarding, transporting or other servicing of exports.

(3) Such revocation and denial of export license privileges shall extend not only to the named respondent but also to any person, firm, corporation or other business organization with which respondent may be now or hereafter related by ownership or control or with which respondent may hold a position of responsibility involving the preparation, filing, procurement or use of any export control documents or the supervision of any person so engaged.

Dated: April 24, 1951.

JOHN C. BORTON,
Assistant Director for
Export Supply.

[F. R. Doc. 51-4914; Filed, Apr. 27, 1951;
8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2870 et al.]

WESTERN AIR LINES, INC. AND INLAND AIR
LINES, INC.; MAIL RATES

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in support of exceptions to the tentative decision of the Board, Order Serial No. E-4870, in the above-entitled proceeding is assigned to be held on May 21, 1951, at 10:00 a. m., in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 21, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-4898; Filed, Apr. 27, 1951;
8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 5]

DIRECTORS OF REGIONAL OFFICES

DELEGATION OF AUTHORITY TO AUTHORIZE MARKUPS IN EXCESS OF APPENDIX E OF CPR 7, AND TO PERMIT PRICING METHODS FOR SETS (GROUPS OF ARTICLES) TO WHICH SERVICES HAVE BEEN ADDED AND FOR REPAIRED OR RECONDITIONED ARTICLES

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 (64 Stat. 812) and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of Price Stabilization to authorize, by order, in

accordance with section 39 (b) (3) of Ceiling Price Regulation 7, markups higher than those listed in Appendix E of that regulation. The authority herein delegated may be redelegated to the Directors of District Offices of the Office of Price Stabilization.

2. Authority is hereby delegated to the Directors of the Regional Offices of Price Stabilization to permit, by order, in accordance with section 39 (c) (2) of Ceiling Price Regulation 7, sellers to add to the total net costs of the constituent articles of assembled sets (groups of articles) to which services have been added, the cost of the services provided and a markup in line with the level of prices established by that regulation. The authority herein delegated may be redelegated to the Directors of District Offices of the Office of Price Stabilization.

3. Authority is hereby delegated to the Directors of the Regional Offices of Price Stabilization to permit, by order, in accordance with section 39 (d) of Ceiling Price Regulation 7, sellers to add to the ceiling price established under that regulation the actual net cost of reconditioning or repairing the articles to be sold. The authority herein delegated may be redelegated to the Directors of District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on April 28, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5014; Filed, Apr. 27, 1951;
8:53 a. m.]

[Delegation of Authority 6]

ASSISTANT DIRECTOR FOR PRICE OPERATIONS

DELEGATION OF AUTHORITY TO DISAPPROVE PROPOSED CEILING PRICES, TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES, AND TO ESTABLISH CEILING PRICES UPON APPLICATION

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950 and Executive Order 10161 (15 F. R. 6105) by Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization, to disapprove a proposed ceiling price submitted by a seller. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until the seller is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required. The authority herein delegated may be redelegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization.

2. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization, to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required. The authority herein delegated may be redelegated to the Directors of the Divisions and the Chiefs of the Branches of the Office of Price Operations, Office of Price Stabilization.

3. Authority is hereby delegated to the Assistant Director for Price Operations, Office of Price Stabilization, to establish a ceiling price in accordance with any Ceiling Price Regulation which requires or permits a seller to apply to the Director of Price Stabilization for the establishment of a ceiling price. The authority herein delegated may be redelegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization.

This delegation of authority shall take effect on April 28, 1951.

MICHAEL V. DiSALLE,
Director of Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5015; Filed, Apr. 27, 1951;
8:53 a. m.]

[Delegation of Authority 6, Supp. 1]

DIRECTORS OF THE DIVISIONS OF THE OFFICE OF PRICE OPERATIONS

REDELEGATION OF AUTHORITY TO DISAPPROVE PROPOSED CEILING PRICES, TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES, AND TO ESTABLISH CEILING PRICES UPON APPLICATION

By virtue of the authority vested in me as Assistant Director for Price Operations, Office of Price Stabilization, pursuant to the Defense Production Act of 1950, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) by Office of Price Stabilization Delegation of Authority No. 6, *supra*, this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization, to disapprove a proposed ceiling price submitted by a seller. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until the seller is notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required.

2. Authority is hereby delegated to the Directors of the Divisions of the Office

of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval. This delegation applies wherever a Ceiling Price Regulation permits the seller to operate at the ceiling price proposed by him, whether immediately or after the expiration of a prescribed period of time, unless and until he has been notified by the Director of Price Stabilization that the proposed ceiling price has been disapproved or that more information is required. The authority herein delegated may be redelegated to the Chiefs of the Branches of the Office of Price Operations, Office of Price Stabilization.

3. Authority is hereby delegated to the Directors of the Divisions of the Office of Price Operations, Office of Price Stabilization to establish a ceiling price in accordance with any Ceiling Price Regulation which requires or permits a seller to apply to the Director of Price Stabilization for the establishment of a ceiling price.

This delegation of authority shall take effect on April 28, 1951.

EDWARD F. PHELPS,
Assistant Director for
Price Stabilization.

APRIL 27, 1951.

[F. R. Doc. 51-5016; Filed, Apr. 27, 1951;
8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1142, G-1158, G-1508]

UNITED GAS PIPE LINE CO. ET AL.

ORDER POSTPONING HEARING

APRIL 24, 1951.

In the matters of United Gas Pipe Line Company, and Willmut Gas & Oil Company, et al., Docket Nos. G-1142 and G-1508; v. United Gas Pipe Line Company, Docket No. G-1158.

By order of the Commission issued November 30, 1950, and published in the FEDERAL REGISTER on December 7, 1950 (15 F. R. 8684), these proceedings were set for hearing to commence February 28, 1951, at 10:00 a. m., e. s. t., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington 25, D. C.

Thereafter, upon request of Staff Counsel dated February 1, 1951, the Secretary of the Commission, on February 16, 1951, served upon all parties to these proceedings notice of continuance of the hearing in these matters to May 1, 1951, which notice was published in the FEDERAL REGISTER on February 22, 1951 (16 F. R. 1776).

On April 20, 1951, United Gas Pipe Line Company, Respondent in these proceedings, filed with the Commission a motion requesting that the hearing scheduled to commence on May 1, 1951, be postponed subject to further orders of the Commission.

In its motion, Respondent states its willingness to meet with the Staff of the Commission in an endeavor in good faith and with reasonable diligence to devise and work out a tariff mutually acceptable to it and the Commission. By our order

issued October 16, 1950, in Docket No. G-1508, we ordered Respondent to file with us in conformity with Part 154 of our general rules and regulations—as amended by Order No. 144 issued on October 30, 1948, and made effective on December 1, 1948—a tariff constituting a restatement of all of Respondent's effective schedules of rates, charges, classifications, practices, regulations and contracts for the transportation or sales of natural gas subject to the jurisdiction of the Commission, except as otherwise permitted by Part 154.

Respondent also states that during the postponement it will not take or apply for further relief in suit No. 4680-50 in the United States District Court for the District of Columbia, nor institute any other court action relative to Order No. 144.

Respondent further states that its willingness to meet with the Staff of the Commission as set out above is predicated on these proceedings and said suit No. 4680-50 remaining in status quo.

The Commission finds: Good cause has been shown and it would be in the public interest to postpone the hearing in these proceedings.

The Commission orders: The public hearing in these proceedings now fixed to commence on May 1, 1951, at Washington, D. C., be and the same is hereby postponed to a date and place to be hereafter fixed by further order of the Commission.

Date of issuance: April 25, 1951.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-4906; Filed, Apr. 27, 1951;
8:51 a. m.]

[Docket No. G-1669]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATION

APRIL 24, 1951.

Take notice that Texas Illinois Natural Gas Pipeline Company (Applicant), a Delaware corporation of 20 North Wacker Drive, Chicago 6, Illinois, filed on April 17, 1951 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing certain deliveries and sales of natural gas in interstate commerce for resale in certain cities and communities in the State of Illinois, and authorizing the construction and operation of certain natural gas transmission pipeline facilities for, in part, effecting the said deliveries and sales, all subject to the jurisdiction of this Commission, as hereinafter described.

Applicant has heretofore been authorized to construct and operate certain facilities constituting a natural gas pipeline transportation system commencing in the State of Texas and extending through the States of Arkansas and Missouri into Illinois, with termini near Joliet and Volo, Illinois, with an authorized sales capacity of 374,000 Mcf per day as metered, equivalent to 383,350 Mcf as billed.¹ Out of the 7,705 Mcf of Applicant's previously authorized but unallocated delivery or sales capacity, Applicant by its aforesaid application of April 17, 1951 seeks authorization to sell and deliver to the following proposed purchasers the quantities of gas listed here below for resale and distribution by such purchasers in the Illinois communities and cities listed:

Proposed purchaser	Illinois communities to be served	Volumes (Mcf) proposed as of Nov. 1		
		1951	1952	1953
1. Illinois Power Co.	Shattuck	300	345	400
	Sandoval			
	Junction City			
2. Monarch Gas Co.	Altamont	500	550	605
3. City of Sullivan	Sullivan	509	530	602
4. Citizens Gas Co.	Bement	427	460	493
	Lovington	372	404	429
		799	864	922
5. City of Salem, Ill.	Salem	1,150	1,250	1,350
	Odin			
	Paxton			
6. Allied Gas Co. (Paxton Division)	Rantoul	11,500	11,500	11,500
	Gibson City			
	Ludlow			
Total		4,758	5,039	5,379

¹ The 1,500 Mcf per day proposed for Allied Gas Company (Paxton Division) is in addition to the 711 Mcf conditionally provided for that company by the Commission's order dated December 1, 1950, in Docket No. G-1477.

Additionally, Applicant seeks authorization to construct and operate at an estimated cost of \$91,256, to be financed out of cash on hand, four metering and regulating stations for making the above proposed deliveries and sales of natural gas to the Citizens Gas Company and the cities of Salem and Sullivan, Illinois. Applicant states that the facilities for which construction was authorized by the certificates issued in Docket Nos. G-1246 and G-1477 will be adequate to provide deliveries of the additional quantities of gas proposed to be supplied to

Allied Gas Company, Illinois Power Company, and Monarch Gas Company.

Applicant requests that its application be processed pursuant to the shortened procedure as provided in § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commis-

¹ Certificates issued by Commission Opinion No. 195 and order entered June 13, 1950 in Docket No. G-1246 and findings and order entered December 1, 1950, as amended February 27, 1951, in Docket No. G-1477.

sion, Washington 25, D. C., in accordance with the rules of practice and procedure on or before the 14th day of May 1951.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Dec. 51-4907; Filed, Apr. 27, 1951;
8:52 a. m.]

FEDERAL RESERVE SYSTEM

VOLUNTARY CREDIT RESTRAINT

REQUEST TO FINANCING INSTITUTIONS

Request by Board of Governors of the Federal Reserve System under section 708 of Defense Production Act of 1950 to financing institutions to act pursuant to a Program for Voluntary Credit Restraint as amended.

This "Request" is addressed to all financing institutions in the United States, including without limitation all individuals, firms, partnerships, corporations and other organizations of any kind which are engaged in the business of extending credit, making loans, or purchasing, discounting, selling, distributing, dealing in, or underwriting securities, any and all of such institutions being hereinafter referred to as "financing institutions".

Pursuant to the provisions of section 708 of the Defense Production Act of 1950 (hereinafter called the "act") and of section 701 of Executive Order No. 10161, the Board of Governors of the Federal Reserve System consulted with representatives of financing with a view to encouraging the making of voluntary agreements and programs to further the objectives of the act. As a result of such consultations, such representatives prepared a "Program for Voluntary Credit Restraint", including as a part thereof a Statement of Principles. The Board of Governors approved the Program and found it to be in the public interest as contributing to the national defense. Certain amendments to the Program have now been suggested by the Voluntary Credit Restraint Committee created under the Program. The Board of Governors of the Federal Reserve System hereby approves these amendments to the Program, approves the Program as thus amended, and finds the Program as thus amended to be in the public interest as contributing to the national defense. The Program as thus amended, which is hereinafter referred to as the "Program", is set forth below.

Under section 708 of the said act and section 701 of the said order, acts or omissions to act pursuant to this Request and the Program which occur while said section 708 is in effect and before the withdrawal of this Request or of the finding of the Board referred to in the preceding paragraph are not construed to be within the prohibitions of the anti-trust laws or of the Federal Trade Commission Act of the United States.

The Board of Governors of the Federal Reserve System has consulted with the Attorney General and with the Chairman of the Federal Trade Commission on and before April 5, 1951, said date being not less than ten days be-

fore the date of this Request, with regard to the provisions of the Program, the finding by the Board above mentioned, and this Request; and the Attorney General has approved this Request.

Every financing institution in the United States is hereby requested by the Board of Governors of the Federal Reserve System to act, and to refrain from acting, pursuant to and in accordance with the provisions of the Program. The Voluntary Credit Restraint Committee created pursuant to the provisions of the Program, each and every subcommittee created or to be created pursuant to the provisions of the Program, and each and every individual who is or may become a member of the Voluntary Credit Restraint Committee or of any of said subcommittees are hereby requested by the Board of Governors of the Federal Reserve System to act, and to refrain from acting, pursuant to and in accordance with the provisions of the Program.

By order of the Board of Governors of the Federal Reserve System this 20th day of April 1951.

[SEAL]

S. R. CARPENTER,
Secretary.

PROGRAM FOR VOLUNTARY CREDIT RESTRAINT AS AMENDED TO APRIL 20, 1951

PREAMBLE

The task of restraining strong inflationary pressures is one of the most difficult and most important in the whole range of economic problems today.

One part of this task—the restraint of unnecessary credit expansion—presents a challenge to the financing institutions throughout the Nation.

Section 708 of the Defense Production Act of 1950 authorizes the President to encourage financing institutions to enter into voluntary agreements and programs to restrain credit, which will further the objectives of that act. By executive order, the President has delegated to the Board of Governors of the Federal Reserve System his authority with respect to financing under this section of the act upon the required condition that it consult with the Attorney General and with the Chairman of the Federal Trade Commission, and that it obtain the approval of the Attorney General before requesting actions under such voluntary agreements and programs.

At the invitation of the Board, and in company with it, representatives of the American Bankers Association, the Life Insurance Association of America and the Investment Bankers Association of America have been examining the possibilities of this method of credit restraint.

While it is recognized that the proposed Program is addressed only to one limited source of inflationary pressure, the vital importance of this problem to the stability of the economy, and the necessity to extend credit only in such a way as to restrain inflationary pressures outside the financing of the Defense Program should be emphasized to all financing institutions.

It is appropriate to point out that this Program of voluntary credit restraint does not have to do with such factors as inflationary lending by federal agencies, unnecessary spending, federal, state or local, and the wage-price spiral and other much more seriously contributing factors. These should be vigorously dealt with at the proper places. It assumes that the proper governmental authorities will exercise the requisite fiscal and monetary controls.

DEFINITIONS

As used herein:

The terms "financing institution" or "financing institutions" mean banks, life insurance companies, investment bankers engaged in the underwriting, distribution, dealing or participating, as agents or otherwise, in the offering, purchase or sale of securities, and such other types or groups of financial institutions as the Board of Governors of the Federal Reserve System may invite to participate in the Program.

The terms "loan," "loans," "lending" and "credit," in addition to their ordinary connotations, mean the supplying of funds through the underwriting and distribution of securities (either on a firm commitment, agency or "best efforts" basis), the making or assisting in the making of direct placements, or otherwise participating in the offering or distribution of securities.

STATEMENT OF PRINCIPLES

Pursuant to the provisions of Section 708 (a) of the Defense Production Act of 1950, and with the approval of the Board of Governors of the Federal Reserve System in accordance with the functions delegated to it by Section 701 (a) (2) of Executive Order 10161, this Statement of Principles has been drafted to which all financing institutions are asked to conform.

It shall be the purpose of financing institutions to extend credit in such a way as to help maintain and increase the strength of the domestic economy through the restraint of inflationary tendencies and at the same time to help finance the defense program and the essential needs of agriculture, industry and commerce.

Inflation may be defined as a condition in which the effective demand for goods and services exceeds the available supply, thus exerting an upward pressure on prices.

Any increase in lending at a more rapid rate than production can be increased exerts an inflationary influence. Under present conditions of very high employment of labor, materials and equipment, the extension of loans to finance increased output will have an initial inflationary effect; but loans which ultimately result in a commensurate increase in production of an essential nature are not inflationary in the long run whatever their temporary effect may be. It is most important, however, that loans for nonessential purposes be curtailed in order to release some of the Nation's resources for expansion in more vital areas of production.

Cooperation with this program of credit restraint makes it increasingly necessary for financing institutions to screen loan applications on the basis of their purpose, in addition to the usual tests of credit worthiness. The criterion for sound lending in a period of inflationary danger boils down to the following: Does it commensurately increase or maintain production, processing and distribution of essential goods and services?

In interpretation of the foregoing, the following types of loans would be classified as proper:

1. Loans for defense production, direct or indirect, including fuel, power and transportation.

2. Loans for the production, processing and orderly distribution of agricultural and other staple products, including export and import as well as domestic, and of goods and services supplying the essential day-to-day needs of the country.

3. Loans to augment working capital where higher wages and prices of materials make such loans necessary to sustain essential production, processing or distribution services.

4. Loans to securities dealers in the normal conduct of their business or to them or

others incidental to the flotation and distribution of securities where the money is being raised for any of the foregoing purposes.

This Program would not seek to restrict loans guaranteed or insured, or authorized as to purpose by a Government agency, on the theory that they should be restricted, in accordance with national policy, at the source of guaranty or authorization. Financing institutions would not be restricted in honoring previous commitments.

The following are types of loans which in general financing institutions should not make under present conditions, unless modified by the circumstances of the particular loan so as not to be inconsistent with the principles of this program:

1. Loans to retire or acquire corporate equities in the hands of the public, including loans for the acquisition of existing companies or plants where no over-all increase of production would result.

2. Loans for speculative investments or purchases. The first test of speculation is whether the purchase is for any purpose other than use or distribution in the normal course of the borrower's business. The second test is whether the amounts involved are disproportionate to the borrower's normal business operations.¹ This would include speculative expansion of real estate holdings or plant facilities as well as speculative accumulation of inventories in expectation of resale instead of use.

The foregoing principles should be applied in screening as to purpose on all loans on securities not covered by Regulations U or T.

Recognizing that the maximum estimate of the percentage of our 1951 production which will be devoted directly or indirectly to national defense is between 20 percent and 30 percent, a very substantial proportion of the lending of the country will be devoted to the financing of the production and growth of our industrial and commercial community. In these circumstances, it is felt that each financing institution can help accomplish the objectives outlined above by careful screening of each application for credit extension.

In carrying out such screening, financing institutions should not only observe the letter of the existing regulations of the Board of Governors of the Federal Reserve System with respect to real estate credit, consumer credit, security loans, etc., but should also apply to all their lending the spirit of these and such other regulations and guiding principles as the Government may from time to time announce in the fight against inflation.

This Program is necessarily very general in nature. It is a voluntary Program to aid in the over-all efforts to restrain inflation. To be helpful, this Program must rely on the good will of all financing institutions and the over-all intention to comply with its spirit.

PROCEDURE FOR IMPLEMENTING THE PROGRAM

Pursuant to the provisions of Section 708 (b) and (c) of the Defense Production Act of 1950, and upon full compliance with the terms and conditions thereof:

1. A "Voluntary Credit Restraint Committee" (hereinafter referred to as "the Committee") will be appointed by the Board of Governors of the Federal Reserve System (hereinafter referred to as "the Board"). Members shall be appointed for such terms as the Board may prescribe. Initially, the Committee will consist of twelve members,

¹ Loans additional to those needed for a borrower's normal business may, of course, be regarded as proper when they are for the purpose of defense production or otherwise conform to the types of loans listed as proper in this Statement of Principles.

four representing the life insurance companies, four representing the investment bankers, and four representing the banks. The membership of the Committee may from time to time be expanded as deemed advisable or appropriate by the Board to insure adequate representation thereon of other types or groups of financing institutions which may participate in the Program. The Board may appoint one or more alternates from each group to serve on the Committee in case of the absence of a member or members of the Committee representing such group. In selecting and appointing the members of the Committee and alternates, the Board shall have due regard to fair representation thereon for small, for medium and for large financing institutions, and for different geographical areas. The Committee will:

(a) With such assistance from the Board and the Federal Reserve Banks as may be necessary, distribute this statement of the Program, including the Statement of Principles, to financing institutions to such extent as may be deemed desirable in view of any distribution previously made;

(b) Appoint the subcommittees referred to below in 2;

(c) Meet for the purpose of considering the functioning of the Program, advising the Board with respect thereto, and suggesting for the consideration of the Board such changes in the Program, including the Statement of Principles, as may from time to time appear appropriate. Meetings of the Committee shall be held at the call of an official of the Federal Reserve System, designated by the Board; shall be under the chairmanship of such an official; and an agenda for such meetings shall be prepared by such an official. Full and complete minutes of each meeting shall be made by such an official and copies shall be kept in the files of the Board available for public inspection.

(d) Issue bulletins or memoranda from time to time to the subcommittees or to financing institutions regarding general matters relating to the Program and related credit problems, including statements implementing or clarifying the Statement of Principles, and describing the types of credits which, in the Committee's opinion, should or should not be regarded as proper under the terms of the Program.

(e) Request the chairman of the Committee to designate an employee of the Board of Governors to serve as secretary. Such secretary, in consultation with the chairman of the Committee, is authorized to conduct correspondence on behalf of the Committee in conformity with actions taken by the Committee within the scope of the Program.

2. Subcommittee may be established for each type of financing institution participating in the Program. One of the members of each subcommittee located in any city in which there is a Federal Reserve Bank or branch thereof will be a Federal Reserve representative designated by the Board of Governors of the Federal Reserve System or by such Federal Reserve Bank or branch; and such member shall attend each meeting of the subcommittee. For the investment bankers, the life insurance companies, and the banks there may in each case be one or more subcommittees organized. All such subcommittees will meet only for the purposes specified in the Program; will maintain records of their actions; and will make reports directly to the Committee regarding the actions taken by them, including statements of the types of cases considered and the nature of the advice given. The subcommittees will be available for consultation with individual financing institutions to assist them in determining the application of the Statement of Principles with respect to specific loans for

which application has been made to such financing institutions. In consulting with a subcommittee, a financing institution shall not be required to disclose the identity of the applicant for any loan. No financing institution shall be required to consult with any subcommittee with respect to any loan or loans, or any application or applications therefor. Consultation with a subcommittee shall be wholly within the individual and independent discretion of a financing institution. The final decision with respect to making or refusing to make any particular loan or loans shall likewise remain wholly within the individual and independent discretion of each financing institution, whether or not it has consulted with any of the subcommittees.

In setting up the subcommittees, the Committee shall have due regard for fair representation thereon for small, for medium and for large financing institutions, and for different geographical areas. It shall also inform the Board of all subcommittee appointments.

The chairman of each subcommittee will be designated by the Committee and in the absence of such chairman, the subcommittee may elect an acting chairman from among its members. The Committee may appoint one or more alternates to serve at the request of the chairman of a subcommittee in case of the absence of a member or members of the subcommittee. The Federal Reserve Bank or branch, as the case may be, may provide an alternate to the subcommittee member designated by it whenever necessary. Each subcommittee may appoint a secretary who may be a member of the subcommittee or otherwise, and he may conduct correspondence on behalf of the subcommittee in conformity with actions taken by the subcommittee within the scope of the Program.

3. The Committee shall be furnished with such compilations of statistical data on extension of credit by financing institutions as may be required to show the amounts and direction of credit use and to watch the operation of the Program. Such statistics shall be compiled by the Board. To assist the Board in making such compilations, data shall be supplied for the investment bankers, jointly by the Investment Bankers Association and the National Association of Securities Dealers, and for the life insurance companies, jointly by the Life Insurance Association of America and the American Life Convention. Compilations of data made by the Board shall not reveal the identity of individual financing institutions or borrowers. Such compilations shall be kept on file with the Board and shall be available for public inspection.

4. Financing institutions participating in the Program will keep records of individual loans, as to purpose, in such form as to be available for future analysis.

5. Any change in the Program, including the Statement of Principles, shall be passed upon by the Committee and shall be made in accordance with the requirements of Section 708 of the Defense Production Act of 1950.

All actions pursuant to and under the Program will be automatically terminated by all participating financing institutions as of the termination of the authority conferred under Section 708 of the Defense Production Act of 1950; or upon withdrawal by the Board of its request for action under the Program. If the Committee, after study of the operation of the Program, concludes that it is no longer necessary or is not making a substantial contribution to the solution of the problem for which the Program was established, it shall so advise the Board.

[F. R. Doc. 51-4899; Filed, Apr. 27, 1951; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

ADMINISTRATOR OF FEDERAL CIVIL DEFENSE DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT OF SUPPLIES AND SERVICES

1. Pursuant to authority vested in me by provisions of the Federal Property and Administrative Services Act of 1949, as amended (Public Laws 152 and 754, 81st Congress), hereinafter called the act, authority is hereby delegated to the Administrator of Federal Civil Defense to exercise the following authority in connection with establishment and operation of training schools and staff colleges within the continental limits of the United States as authorized by section 201 (e) of Public Law 920, 81st Congress:

a. To procure, for the purposes above specified, supplies and services, including space in buildings by lease or permit, as he may determine to be in the public interest, in accordance with section 302 of the act.

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings and in certain instances preservation of data and reports to the General Accounting Office.

3. The authority herein delegated may be redelegated to any officer or employee of the Federal Civil Defense Administration, subject to the limitations of section 307 of the act.

This delegation of authority shall be effective as of the date hereof.

Dated: April 21, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-4909; Filed, Apr. 27, 1951;
8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 26038]

MOTOR-RAIL-MOTOR RATES BETWEEN NEW HAVEN, CONN., AND CERTAIN POINTS

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and M&R Transportation Company, Inc.

Commodities involved: All commodities.

Between: New Haven, Conn., and Harlem River, N. Y., and between Boston, Mass., and New Haven, Conn.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose

their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4882; Filed, Apr. 27, 1951;
8:45 a. m.]

[4th Sec. Application 26039]

COAL FROM KENTUCKY TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Cincinnati, New Orleans and Texas Pacific Railway Company for itself and on behalf of the Kentucky and Tennessee Railway and The Nashville, Chattanooga and St. Louis Railway.

Commodities involved: Coal, in carloads.

From: Mines in Kentucky.

To: Nashville, Tenn.

Grounds for relief: Circuitous routes. Schedules filed, containing proposed rates: Sou. Ry. tariff I. C. C. No. A-11165, Supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4883; Filed, Apr. 27, 1951;
8:45 a. m.]

[4th Sec. Application 26040]

PAPER DRINKING CUPS FROM CERTAIN POINTS TO SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3905 and 3928.

Commodities involved: Drinking cups, paper or pulpboard, carloads.

From: Points in southwestern, official, southern and western trunk-line territories, and Canada.

To: Points in southwestern territory. Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates:

D. Q. Marsh's tariff I. C. C. No. 3928, Supp. 8.

D. Q. Marsh's tariff I. C. C. No. 3905, Supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4884; Filed, Apr. 27, 1951;
8:45 a. m.]

[4th Sec. Application 26041]

ZINC DRY BATTERY SHELLS FROM MUNCIE, IND. TO JACKSON, TENN.

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Zinc dry battery shells, carloads.

From: Muncie, Ind.

To: Jackson, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise

the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4885; Filed, Apr. 27, 1951;
8:46 a. m.]

[4th Sec. Application 26042]

MIXED CARLOADS OF MERCHANDISE FROM
ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.,
TO GREENVILLE, S. C.

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1073, pursuant to fourth-section order No. 16101.

Commodities involved: Merchandise, in mixed carloads.

From: St. Louis, Mo., and East St. Louis, Ill.

To: Greenville, S. C.

Grounds for relief: Circuitous routes. Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4886; Filed, Apr. 27, 1951;
8:46 a. m.]

[4th Sec. Application 26043]

LIQUEFIED CHLORINE GAS FROM CERTAIN
POINTS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Points in Ohio, Michigan, and West Virginia.

To: Specified points in southern territory.

Grounds for relief: Circuitous routes. Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4887; Filed, Apr. 27, 1951;
8:46 a. m.]

[4th Sec. Application 26044]

GRAIN FROM POINTS IN OKLAHOMA TO
GULF PORTS

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Rock Island and Pacific Railroad Company for carriers parties to its tariff I. C. C. No. C-13346.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Oklahoma.

To: Gulf ports (for export).

Grounds for relief: Circuitous routes. Schedules filed containing proposed rates: CRI&P RR. tariff I. C. C. No. C-13346, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon

a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4888; Filed, Apr. 27, 1951;
8:46 a. m.]

[4th Sec. Application 26045]

CHEMICALS FROM SOUTH CHARLESTON,
W. VA., TO THE SOUTHWEST

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs listed below.

Commodities involved: Benzene hexachloride and dichloro diphenyl trichloroethane, carloads.

From: South Charleston, W. Va.

To: Specified points in Texas, Jacksonville and Little Rock, Ark., and Monroe, La.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. No. 3912, Supp. 48, No. 3899, Supp. 44, No. 3927, Supp. 16, and No. 3883, Supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4889; Filed, Apr. 27, 1951;
8:46 a. m.]

[4th Sec. Application 26046]

LESS THAN CARLOAD FREIGHT IN CONTAINERS
BETWEEN KANSAS CITY, MO.-KANS.,
AND CERTAIN POINTS

APPLICATION FOR RELIEF

APRIL 25, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Missouri Pacific Railroad Company and Missouri Pacific Railroad Corporation of Nebraska.

Commodities involved: Less than carload freight in containers furnished by the carriers.

Between: Kansas City, Mo.-Kans., and points in Kansas, Nebraska, and western Missouri.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Mo. Pac. RR. tariff I. C. C. No. A-10225.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-4890; Filed, Apr. 27, 1951;
8:47 a. m.]

[Rev. S. O. 874, Gen. Permit 18]

EVANS MILLING CO. AND DECATUR MILLING CO.

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (d) of Revised Service Order No. 874 (16 F. R. 2040, 3133), permission is granted for any common carrier by railroad, subject to the Interstate Commerce Act serving Evans Milling Company, Indianapolis, Indiana, and Decatur Milling Company, Decatur, Illinois, to disregard the provisions of Revised Service Order No. 874 insofar as it applies to Bulk Mixed Feed, when Evans Milling Company or Decatur Milling Company advise that service would be denied because of its inability to meet the minimum requirements because of inability of loading device to load to within 24 inches of roof of cars, except at ends of car. However, the total weight of such shipments shall be or exceed 80,000 pounds.

The waybills shall show reference to this General Permit and Evans Milling Company or Decatur Milling Company shall furnish the Permit Agent the car numbers, initials, weights, and destinations of the cars shipped under this Permit and also car numbers, initials, and weights of all cars loaded with Bulk Mixed Feed shipped; such information to be furnished on the first of each month.

This General Permit shall become effective at 12:01 a. m., April 25, 1951, and

shall expire at 11:59 p. m., September 15, 1951, unless otherwise modified, changed, suspended or revoked.

A copy of this General Permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this Permit shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 24th day of April 1951.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 51-4891; Filed, Apr. 27, 1951;
8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-223]

NIAGARA HUDSON POWER CORP.

ORDER AND DECLARATION OF DISSOLUTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of April A. D. 1951.

Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act") requesting the Commission to enter an order declaring that Niagara Hudson has ceased to be a holding company under said act by virtue of the fact that pursuant to the Commission's order dated August 25, 1949, as supplemented by its order dated September 7, 1950, approving the Dissolution Plan of Niagara Hudson pursuant to section 11 (e) of the act, and the order of the United States District Court for the Northern District of New York dated November 4, 1949, and the supplemental order of said court dated September 28, 1950, approving said plan, Niagara Hudson has made distribution of its assets and was dissolved on December 21, 1950; and

Said application having been filed on March 12, 1951, and notice of said filing having been duly published, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Niagara Hudson has ceased to be a holding company:

It is therefore ordered and declared, Pursuant to section 5 (d) of the act, that Niagara Hudson has ceased to be a holding company, and that the registration of such company shall forthwith cease to be in effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4921; Filed, Apr. 27, 1951;
8:54 a. m.]

[File No. 59-12]

NATIONAL POWER & LIGHT CO. ET AL.,
RESPONDENTS

ORDER REVOKING PART OF PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 23d day of April A. D. 1951.

The Commission, in connection with its order requiring the dissolution of National Power & Light Company ("National"), a registered holding company, having further ordered on November 9, 1942, among other things, that "On or before the 20th day of each month from and after December 1, 1942, National Power & Light Company shall submit to the Commission its actual corporate income and surplus statements for the calendar monthly period next preceding the date of the filing thereof * * *"; and

National having requested that such requirement be rescinded on the ground that since the company's assets now consist almost entirely of cash and cash items, monthly reports have become repetitious and of no practical value and that the preparation thereof imposes a burden on the present small organization of the company; and

It appearing to the Commission that it is appropriate to grant such request:

It is ordered, effective forthwith, That the portion of the Commission's order of November 9, 1942, requiring that "On or before the 20th day of each month from and after December 1, 1942, National shall submit to the Commission its actual corporate income and surplus statements for the calendar monthly period next preceding the date of the filing thereof * * *", be, and hereby is revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-4920; Filed, Apr. 27, 1951;
8:54 a. m.]

[File No. 70-2570]

GENERAL PUBLIC UTILITIES CORP. AND
JERSEY CENTRAL POWER & LIGHT CO.

NOTICE OF FILING OF POST EFFECTIVE AMENDMENT TO APPLICATION-DECLARATION AND ORDER MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of April 1951.

By order dated March 14, 1951 (Holding Company Act Release No. 10444), pursuant to Rule U-23 promulgated under the Public Utility Holding Company Act of 1935 ("act"), this Commission granted and permitted to become effective a joint application-declaration of General Public Utilities Corporation ("GPU"), a registered holding company, and its utility subsidiary, Jersey Central Power & Light Company ("Jersey Central"), proposing, *inter alia*: (1) the issuance and sale by Jersey Central, pursuant to the competitive bidding requirements of Rule U-50 under the act, of

\$1,500,000 principal amount of first mortgage bonds and 40,000 shares of preferred stock; (ii) the issuance and sale by Jersey Central and the purchase by GPU of 350,000 shares of common stock for an aggregate cash consideration of \$3,500,000, and (iii) the issuance and sale by GPU to commercial banks of \$3,500,000 principal amount of promissory notes for the purpose of providing funds with which to purchase the common stock of Jersey Central. Said issuances and sales by Jersey Central were approved as a single transaction by the Board of Public Utility Commissioners of the State of New Jersey.

GPU and Jersey Central have filed a post effective amendment to said joint application-declaration in which it is stated that, pursuant to the permission granted by said order of this Commission dated March 14, 1951, Jersey Central invited bids for the purchase of said bonds and preferred stock and in response to said invitation received but one bid for the bonds and one bid for the preferred stock, which bids were returned to the bidders unopened, it being Jersey Central's opinion that effective competitive bidding was not possible under the circumstances. However, GPU did issue and sell the \$3,500,000 principal amount of its notes to commercial banks. The amendment further sets forth that in the opinion of Jersey Central the state commission's order approving the proposed issuance and sale of securities will become null and void unless the authority therein granted is fully exercised within sixty days of the date thereof; that Jersey Central has determined to defer action with respect to the proposed sale of the bonds; and that an appropriate modification of the state commission's order is being sought so as to permit the proposed issuance and sale of preferred and common stocks as separate transactions.

Pursuant to the provisions of Rule U-24 (c) (2) under the act, this Commission's order of March 14, 1951, will, upon any modification of the state commission's order, be automatically revoked and terminated to the extent that it permits the issuance and sale of securities by Jersey Central as a transaction expressly authorized by the state commission. In view of the provisions of Rule U-24 (c) (2), the amendment seeks a modification of this Commission's order of March 14, 1951, so as to permit said issuance and sale of preferred and common stocks by Jersey Central when the same shall have been expressly authorized as separate transactions by the state commission. In addition, Jersey Central requests that the issuance and sale of the preferred stock be excepted from the competitive bidding requirements of Rule U-50 and that Jersey Central be permitted to enter into negotiations looking to the private sale of such preferred stock.

Notice is hereby given that any interested person may, not later than May 7, 1951, at 5:30 p. m., request the Commission in writing that a hearing be held with respect to said requested exception from the provisions of Rule U-50, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said requested

exception which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. At any time after May 7, 1951, said requested exception may be granted without further notice.

The Commission having considered the post effective amendment to the application-declaration herein and deeming it appropriate in the public interest and in the interest of investors and consumers that the Commission's order herein dated March 14, 1951, should be modified as requested in such post effective amendment:

It is hereby ordered, That the Commission's order entered in these proceedings under date of March 14, 1951, be, and the same hereby is, modified to permit the issuance and sale by Jersey Central of 40,000 shares of preferred stock and 350,000 shares of common stock, when such issuances and sales shall have been expressly authorized by the Board of Public Utility Commissioners of the State of New Jersey, as separate transactions subject, however, to the terms and conditions of Rule U-24 and the further condition that Jersey Central shall take no steps in the negotiation for private sale of such preferred stock unless and until a further order of this Commission shall have been entered herein granting the requested exception from the provisions of Rule U-50 (b) and (c).

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-4918; Filed, Apr. 27, 1951;
8:54 a. m.]

[File No. 70-2604]

HARRISBURG GAS CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 24th day of April A. D. 1951.

The Harrisburg Gas Company ("Harrisburg"), a gas utility subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application and amendments thereto pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Harrisburg proposes the issuance and sale of \$1,000,000 principal amount of its First Mortgage Bonds, 3.15 percent Series due 1976, for \$1,000,000 in cash to the following institutions in the principal amounts designated: The Philadelphia Saving Fund Society, Philadelphia, Pennsylvania, \$600,000, and the Beneficial Saving Fund Society, Philadelphia, Pennsylvania, \$400,000. Said bonds will be issued under and secured by the Mortgage and Deed of Trust dated May 1, 1946, of Harrisburg Trust Company, Trustee, and the various indentures supplemental thereto, including specifically a supplemental indenture to be dated as of May 1, 1951, to be entered into between Harrisburg and the Harrisburg Trust Company, as Trustee.

The applicant represents that the proceeds from the sale of the said bonds will be used to repay certain notes and open account indebtedness and to finance Harrisburg's construction program for 1951.

Said application having been filed on March 30, 1951, and amendments thereto on April 16 and 20, 1951; notice of said filing having been given in the manner prescribed by Rule U-23 under said act; and the Commission not having received a request for a hearing with respect to said application, as amended, within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed issue and sale by Harrisburg of its bonds are solely for the purpose of financing the business of the company and that such issue and sale have been expressly authorized by the Pennsylvania Public Utility Commission which is the State Commission of the State in which the applicant is organized and is doing business, and having determined that it is not necessary to impose any terms or conditions other than those prescribed by Rule U-24, and the Commission deeming it appropriate to grant applicant's request that our order authorizing the proposed transactions become effective upon issuance;

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said application, as amended, be, and the same hereby is, granted, forthwith, subject to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-4917; Filed, Apr. 27, 1951;
8:54 a. m.]

[File No. 70-2612]

UNION ELECTRIC CO. OF MISSOURI AND
UNION ELECTRIC POWER CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 23d day of April 1951.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility subsidiary of the North American Company, also a registered holding company, and by Union Electric Power Company ("Union Electric Power"), a wholly owned electric utility subsidiary of Union. The applicants-declarants have designated sections 6 (b), 9 (a), and 10 of the act and Rule U-44 thereunder as applicable to the transaction.

Notice is further given that any interested person may, not later than May 29, 1951, at 5:30 p. m., request the Commission, in writing, that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact and law

raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., on May 29, 1951, said application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transaction therein proposed which is summarized as follows:

Union Electric Power proposes to issue and sell to Union from time to time during the period ending December 31, 1952, \$7,000,000 aggregate par value of additional shares of its Common Stock, of the par value of \$20 per share, which will be pledged by Union with the trustee of Union's mortgage securing its First Mortgage and Collateral Trust Bonds. Union Electric Power proposes to use the proceeds from the sale of its stock for the construction of new facilities.

The application-declaration states that authorization for the proposed transaction has been sought from the Missouri Public Service Commission and the Illinois Commerce Commission, the state commissions of the states in which Union and Union Electric Power operate.

Applicants-declarants request that the Commission's order herein be issued by May 31, 1951, and that such order become effective upon issuance.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 51-4919; Filed, Apr. 27, 1951;
8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17624]

CHRISTIANIA BANK OG KREDITKASSE

In re: Accounts maintained in the name of Christiania Bank og Kreditkasse, Oslo, Norway, and owned by persons whose names are unknown. F-51-28 (OSLO).

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Christiania Bank og Kreditkasse, Oslo, Norway]

Column I	Column II
Name and address of institution which maintains account	Designation of account
1. The National City Bank of New York, 55 Wall St., New York 5, N. Y.	Current account, as described by the National City Bank of New York in its report on form OAP-700, bearing its serial No. 0107.
2. Guaranty Trust Co. of New York, 140 Broadway, New York 15, N. Y.	Deposit account, as described by the Guaranty Trust Co. of New York in its report on form OAP-700, bearing its serial No. FB60.

[F. R. Doc. 51-4927; Filed, Apr. 27, 1951;
8:56 a. m.]

[Vesting Order 17628]

SOCIETE FINANCIERE DE GERANCE DE CAPITAUX S. A.

In re: Accounts maintained in the name of Societe Financiere de Gerance de Capitaux S. A., Geneva, Switzerland, and owned by persons whose names are unknown. F-63-11032.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or

since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 4, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Societe Financiere de Gerance de Capitaux S. A., Geneva, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The Chase National Bank of the City of New York, 18 Pine St., New York, N. Y.	Miscellaneous portfolio of securities, both in dollars and foreign currencies, Societe Financiere de Gerance de Capitaux S. A. (FS 84055), as described by The Chase National Bank of the City of New York in its report on Form OAP-700, bearing its serial No. 351.

[F. R. Doc. 51-4928; Filed, Apr. 27, 1951; 8:56 a. m.]

[Vesting Order 17633]

WILHELMINA HAUG

In re: Estate of Wilhelmina Haug, also known as Mina Haug, deceased. File No. 017-24599.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Soffie Blankenhorn, Martha Blankenhorn, Emma Blankenhorn, Emma Ilg, Anna Seifried, Friedricke Schaffer, Frida Schwab, Lottie Ilg, Elsie (Elise) Schaffer and Amelia Hirschmuller, whose last known address is Ger-

many, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the child or children, names unknown, of Soffie Blankenhorn, of Martha Blankenhorn, of Emma Blankenhorn, of Emma Ilg, of Anna Seifried and of Friedricke Schaffer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the brothers and sisters, names unknown, of Frida Schwab, of Emma Ilg, of Lottie Ilg and of Elsie (Elise) Schaffer, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

4. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1, 2 and 3 hereof, and each of them, in and to the estate of Wilhelmina Haug, also known as Mina Haug, deceased, and in and to the trust established under the will of Wilhelmina Haug, also known as Mina Haug, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

5. That such property is in the process of administration by Louis J. Goldberg, 614 Central Avenue, East Orange, New Jersey, as executor and trustee, acting under the judicial supervision of the Essex County Court, Probate Division, Newark, New Jersey;

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the child or children, names unknown, of Soffie Blankenhorn, of Martha Blankenhorn, of Emma Blankenhorn, of Emma Ilg, of Anna Seifried, and of Friedricke Schaffer, and the brothers and sisters, names unknown, of Frida Schwab, of Emma Ilg, of Lottie Ilg and of Elsie (Elise) Schaffer, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4929; Filed, Apr. 27, 1951; 8:56 a. m.]

[Vesting Order 17642]

KATHERINE BENDER

In re: Checks owned by the personal representatives, heirs, next of kin, legatees and distributees of Katherine Bender, deceased. F-28-31423.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Katherine Bender, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations evidenced by thirteen (13) checks, dated, numbered and of the face value as follows:

Dec. 19, 1947, C 13283	\$9.00
Mar. 30, 1948, I 13188	3.00
June 21, 1948, AI 12958	3.00
Sept. 20, 1948, BI 13030	3.00
Dec. 20, 1948, CI 12758	9.00
Mar. 21, 1949, DI 12490	3.00
Sept. 19, 1949, FI 12309	3.00
Dec. 19, 1949, GI 12114	12.00
Mar. 13, 1950, HI 11997	6.00
June 12, 1950, JI 11859	6.00
July 15, 1950, KI 11600	9.42
Sept. 11, 1950, LI 11752	6.00
Dec. 18, 1950, PI 11291	12.00

said checks issued by Cities Service Company, 60 Wall Street, New York 5, New York, and presently in the custody of Mrs. Marie Trumpfheller, 116 East 62d Street, New York 21, New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said checks including particularly the right to possession and presentation for payment thereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Katherine Bender, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Katherine Bender, deceased referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4930; Filed, Apr. 27, 1951;
8:56 a. m.]

[Vesting Order 17647]

DR. CARL ALEXANDER OHLIGSCHLAGER

In re: Securities and bank account of Dr. Carl Alexander Ohligschlagser. F-28-31412.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Carl Alexander Ohligschlagser, whose last known address is Eschweg b/ Kassel, Reichensaecherstrasse 10, Hessen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);
2. That the property described as follows:

a. That certain debt or other obligation of Swiss American Corporation, 30 Pine Street, New York 5, New York, arising out of an account entitled "Rubric Acct. 17779 General Ruling No. 6 Acct." in the name of Credit Suisse, Geneva, maintained with the aforesaid Corporation, and any and all accruals thereto and any and all rights to demand, enforce and collect this same, and

b. Those certain shares of stock on deposit with and in the custody of Swiss American Corporation, 30 Pine Street, New York 5, New York, in an account entitled "Rubric Acct. 17779 Blocked Unidentified Acct." in the name of Credit Suisse, Geneva, together with any and all rights thereunder and thereto and any and all declared and unpaid dividends on said shares of stock,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Carl Alexander Ohligschlagser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4932; Filed, Apr. 27, 1951;
8:57 a. m.]

[Vesting Order 17650]

OLGA VON SCHILDER

In re: Debts owing to and securities owned by Olga von Schilder. F-28-31409.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Olga von Schilder, whose last known address is Freiburg i/Br., Maria Theresia-strasse 15, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York, New York, in the amount of \$119.30 as of December 7, 1950, being part of funds held in a General Ruling No. 6 Account for the Union Bank of Switzerland, Basle, Switzerland, by the aforesaid Guaranty Trust Company of New York, and any and all rights to demand, enforce and collect the same,

b. Those certain Mortgage Bank of Chile 6% Bonds of \$2,000 aggregate face value presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York, New York, for the account of the Union Bank of Switzerland, Basle, Switzerland, together with any and all rights thereunder and thereto,

c. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of \$56.75 as of November 28, 1950, being part of funds held in a Regular Blocked Account for the Union Bank of Switzerland, Basle, Switzerland, by the aforesaid The Chase National Bank of the City of New York, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of The Chase National Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of \$34.35 as of November 28, 1950, being part of funds held in a General Ruling No. 6 Account for the Union Bank of Switzerland, Basle, Switzerland, by the aforesaid The Chase National Bank of the City of New York, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4933; Filed, Apr. 27, 1951;
8:57 a. m.]

[Vesting Order 17645]

KUSUICHI MATOBA

In re: Stock owned by Kusuichi Matoba, also known as Kay Matoba. D-39-7331-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kusuichi Matoba also known as Kay Matoba, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Fifty (50) shares of \$10.00 par value common capital stock of Standard Brands Incorporated, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 93493, registered in the name of Kay Matoba, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the

national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4931; Filed, Apr. 27, 1951;
8:56 a. m.]

[Vesting Order 17656]

N. V. HOLLANDSCHE BUITENLAND BANK

In re: Accounts maintained in the name of N. V. Hollandsche Buitenland Bank, Hague, The Netherlands, and owned by persons whose names are unknown. F-49-1337.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held

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on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of N. V. Hollandsche Buitenland Bank, Hague, The Netherlands]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Guaranty Trust Co. of New York, 140 Broadway New York 15, N. Y.	Deposit account, N. V. Hollandsche Buitenland Bank, as described by the Guaranty Trust Co. of New York in its report on form OAP-700 bearing its serial No. FB33.

[F. R. Doc. 51-4934; Filed, Apr. 27, 1951;
8:57 a. m.]

[Vesting Order 17658]

BANCA D'AMERICA E D'ITALIA

In re: Accounts maintained in the name of Banca D'America E D'Italia, Genoa, Italy, and owned by persons whose names are unknown. F-38-1107.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788

and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Accounts maintained in the name of Banca D'America E D'Italia Genoa, Italy

Column I	Column II
Name and address of institution which maintains account	Designation of account
The National City Bank of New York, 55 Wall St., New York 15, N. Y.	(a) Deposit, and (b) miscellaneous portfolio of bonds, as described by The National City Bank of New York in its report on form OAP-700 bearing its serial No. B 75.

[F. R. Doc. 51-4935; Filed, Apr. 27, 1951; 8:57 a. m.]

[Vesting Order 17659]

MICHELIS BANK LTD.

In re: Accounts maintained in the name of Michelis Bank Ltd., Zurich, Switzerland, and owned by persons whose names are unknown. F-63-3794.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts, excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of

a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Michelis Bank Ltd., Zurich, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
1. Halle & Stieglitz, 52 Wall St., New York 5, N. Y.	(a) General ruling No. 6 safekeeping blocked account, (b) general ruling No. 6 blocked account, (c) certification blocked account, (d) safekeeping certification blocked account, and (e) safekeeping blocked account; as described by Halle & Stieglitz in its report on forms OAP-700 as amended by its letter of Mar. 8, 1951.
2. Wertheim & Co., 120 Broadway, New York, N. Y.	United States of America Currency, as described by Wertheim & Co., in its report on form OAP-700.

[F. R. Doc. 51-4936; Filed, Apr. 27, 1951; 8:57 a. m.]

[Vesting Order 17661]

ZURCHER KANTONALBANK

In re: Accounts maintained in the name of Zurcher Kantonalbank, Zurich, Switzerland, and owned by persons whose names are unknown. F-63-9358.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9989, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests

in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Zürcher Kantonalbank, Zurich, Switzerland]

Column I	Column II
Name and address of institution which maintains account	Designation of account
The National City Bank of New York, 55 Wall St., New York 15, N. Y.	B30845 Zürcher Kantonalbank G. R. 6 (type G. R. 17), as described by The National City Bank of New York in its report on Form OAP-700, bearing its serial No. B 16.

[F. R. Doc. 51-4937; Filed, Apr. 27, 1951; 8:57 a. m.]

[Vesting Order 17663]

OESTERREICHISCHE LAENDERBANK A. G.

In re: Accounts maintained in the name of Oesterreichische Laenderbank A. G., Vienna, Austria, and owned by persons whose names are unknown. F-6-22.

Under the authority of the Trading With the Enemy Act, as amended, Executive Orders 9193, as amended, 9788 and 9939, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: All property, rights and interests in the accounts identified in Exhibit A attached hereto and by reference made a part hereof, together with

(a) Any other property, rights and interests which represent accumulations or accruals to, changes in form of, or substitutions for, any of the property, rights and interests in said identified accounts on October 2, 1950, and which are now held in other accounts being maintained as blocked or otherwise subject to the restrictions of Executive Order 8389, as amended, or regulations, rulings, orders or instructions issued thereunder, and

(b) Any and all rights in, to and under any securities (including, without limitation, bonds, coupons, mortgage participation certificates, shares of stock, scrip and warrants) and any and all declared and unpaid dividends on any shares of stock in any of said accounts,

excepting from the foregoing, however, all lawful liens and setoffs of the respective institutions in the United States with whom the aforesaid accounts are maintained,

is property within the United States;

2. That the property described in subparagraph 1 hereof is owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or is evidence of ownership or control by persons, names unknown, who, if individuals, there is reasonable cause to believe are residents of a designated enemy country and which, if partnerships, associations, corporations, or other organizations, there is reasonable cause to believe are organized under the laws of a designated enemy country or on or since the effective date of Executive Order 8389, as amended, have had their principal places of business in a designated enemy country;

3. That the persons referred to in subparagraph 2 hereof are nationals of a designated enemy country;

and it is hereby determined:

4. That to the extent that the persons referred to in subparagraph 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended, and the term "designated enemy country" has reference to Germany or Japan.

Executed at Washington, D. C., on April 11, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

[Accounts maintained in the name of Oesterreichische Laenderbank A. G., Vienna, Austria]

Column I	Column II
Name and address of institution which maintains account	Designation of account
Guaranty Trust Co. of New York, 140 Broadway, New York, N. Y.	Deposit account, Oesterreichische Laenderbank A. G., Am Hof 2, Vienna, Austria, as described by Guaranty Trust Co. of New York in its report on form OAP-700 bearing its serial No. F 111.

[F. R. Doc. 51-4938; Filed, Apr. 27, 1951; 8:58 a. m.]

[Vesting Order 17712]

CHARLES W. LAGEMANN

In re: Trust Agreement dated April 16, 1924, by and between Charles W. Lagemann, Donor, and The Farmers' Loan and Trust Company, et al., Trustees, as amended. File No. D-28-10657-G-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fritz Trommershausen, Marie Gebauer, Martha Gillmann, Clara Schroder, also known as Clara Schroder Mencke, Mathilde Jonas-Mencke, Emilie Luicke, Frederika Fruhauf, Frieda Rubke Loescher, Jenny Rubke, Leiselotte Rubke, Martha Mester, Fritz Mester, Hanna Dittwald, Hermann Dittwald, Johanna Giesler, widow of Rudolf Pielsticker,

Friedrich Karte, Friedrich Drees, Sophie Prigge, Heinrich Karte, Anna Witte, Grete Voullieme, Elizabeth Voullieme, Vera Guinand, Rudolf Lagemann, Wilhelmine Oberhellmann, Luise Fuchs, Fritz Karte, Emilie Lagemann, Frederick Lagemann, and Emma Lagemann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary, personal representatives, heirs, next-of-kin, legatees, and distributees, names unknown, of Marie Trommershausen, of Clementine Mencke, of Friedrich Karte and of Stefanie Steinwarz; the spouse, parents and issue, names unknown, of Marie Trommershausen, of Clara Schroder (Mencke), of Clementine Mencke, of Frieda Rubke Loescher, of Johanna Giesler, of the widow of Rudolf Pielsticker, of Friedrich Karte, of Friedrich Drees, of the children of Lisette Hollenberg, of the children of Lina Voss, of Anna Witte, of Stefanie Steinwarz, of Vera Guinand; the issue, names unknown, of Frieda Lappe, of Wilhelm Rubke, of the widow of Wilhelm Mester, of the widow of Ernst Mester, of Adele Dittwald, of Lisette Hollenberg, of Lina Voss, of the widow of Heinrich Karte, Sr., of Milly Voullieme, of Frederick Lagemann except Erica Bauer-Schlichtegroll, a resident of the United States, and of the widow of Rudolf Karte, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them except Erica Bauer-Schlichtegroll, a resident of the United States, in and to and arising out of or under that certain Trust Agreement dated April 16, 1924, by and between Charles W. Lagemann, Donor, and The Farmers' Loan and Trust Company, Frederick Lagemann, Alfred Lagemann, Walter Lagemann and Eric Lagemann, Trustees, and amendments thereto dated May 23, 1925, and April 14, 1931, and that certain Agreement dated April 16, 1924, by and between Walter Lagemann, Eric Lagemann, and Anna Lagemann, parties of the first part, Charles W. Lagemann, party of the second part, and The Farmers' Loan and Trust Company, Frederick Lagemann, Alfred Lagemann, Walter Lagemann and Eric Lagemann, trustees as aforesaid, parties of the third part, at present being administered by City Bank Farmers Trust Company, Eric Lagemann, Walter Lagemann, and C. H. A. Mott, New York, New York, as trustee, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof and the domiciliary, personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Marie Trommershausen, of Clementine Mencke, of

Friedrich Karte and of Stefanie Steinwarz; the spouse, parents and issue, names unknown, of Marie Trommershausen, of Clara Schroder (Mencke), of Clementine Mencke, of Frieda Rubke Loesch, of Johanna Giesler, of the widow of Rudolf Pielsticker, of Friedrich Karte, of Friedrich Drees, of the children of Lisette Hollenberg, of the children of Lina Voss, of Anna Witte, of Stefanie Steinwarz, of Vera Guinand; the issue, names unknown, of Frieda Lappe, of Wilhelm Rubke, of the widow of Wilhelm Mester, of the widow of Ernst Mester, of Adele Dittwald, of Lisette Hollenberg, of Lina Voss, of the widow of Heinrich Karte, Sr., of Milly Voullieme, of Frederick Lagemann, except Erica Bauer-Schlichtegroll, a resident of the United States, and of the widow of Rudolf Karte, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 23, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4939; Filed, Apr. 27, 1951; 8:58 a. m.]

[Return Order 929]

FUSHIMINOMIYA KINEN SHOGAKKAI ET AL.

Having considered the claims set forth below and having issued a determination allowing the claims which are incorporated by reference herein and filed herewith and notice of intention to return having been published on September 12, 1950 (15 F. R. 6137),

It is ordered, That the claimed property, described below and in the deter-

mination, be returned subject to any increase or decrease resulting from the administration thereof prior to return, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Fushiminomiya Kinen Shogakkai, c/o Iga Mori, 716 Wylie St., Honolulu, T. H.; 11379; \$3,832.33.

J. Tokairin, d/b/a Tohoku Hotel (a sole proprietorship), 87 Laimi Road, Honolulu, T. H.; 29154; \$37.82.

Tatsujiro Fujinaga, 630 Pokole Street, Honolulu, T. H.; 37247; \$2,010.12.

Haruo Hayakawa, 1092 S. Beretania Street, Honolulu, T. H.; 37252; \$1.75.

Charles J. Pietsch, 925 Fort Street, Honolulu, T. H.; 37288; \$6.17.

Yayao Yamane, 617 Lana Lane, Honolulu, T. H.; 40604; \$1,509.92.

Fukuyo Mizuno, Honolulu, T. H.; 45377; \$510.00.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4940; Filed, Apr. 27, 1951; 8:58 a. m.]

[Return Order 948]

OTTO MONHEIMER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Otto Monheimer, as Administrator of the Estate of Frieda Monheimer Belz, deceased, Yonkers, N. Y.; Claim No. 33950; March 10, 1951 (16 F. R. 2246); \$2,784.06 in the Treasury of the United States. One-sixth of all right, title, interest and claim of any kind or character whatsoever of Heinrich Monheimer and his issue in and to the trust created under paragraph "Ninth" of the will of Sara M. Frank, deceased. One-half of all right, title, interest and claim of any kind or character whatsoever of Frieda Monheimer Belz in and to the trust created under paragraph "Ninth" of the will of Sara M. Frank, deceased. The above-described property is

in respect to the share of Hubert Belz in the Estate of Frieda Monheimer Belz, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4941; Filed, Apr. 27, 1951; 8:58 a. m.]

[Return Order 943]

DR. LEONARDO CERINI

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Dr. Leonardo Cerini, Castellanza (Varese) Italy; Claim No. 6520; March 9, 1951 (16 F. R. 2206); \$10,275 in the Treasury of the United States. Property described in Vesting Order No. 112 (7 F. R. 7785, October 1, 1942), relating to United States Letters Patent Nos. 1,719,754 and 1,815,761. (This return shall not be deemed to include the rights of any licensees under the above patents.) All right, title, interest and claim of Leonardo Cerini in and to all indebtedness owing to him by R. A. C. E., Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, to the extent that such right, title, interest and claim was owned by the claimant immediately prior to vesting by Vesting Order No. 89 (7 F. R. 6609, August 20, 1942).

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 20, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-4870; Filed, Apr. 26, 1951; 8:50 a. m.]